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MINUTES

OF THE

PROVINCIAL COUNCIL

OF

PENNSYLVANIA,

FROM THE ORGANIZATION TO THE TERMINATION OF THE PROPRIETARY GOVERNMENT.

PUBLISHED BY THE STATE.

VOL. IV.,

CONTAINING THE PROCEEDINGS OF COUNCIL FROM FEBRUARY 7TH, 1735–6, TO OCTOBER 15TH, 1745, BOTH DAYS INCLUDED.

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EXTRACT

FROM THE

ANNUAL MESSAGE OF THE GOVERNOR,

TRANSMITTED TO THE

SENATE AND HOUSE OF REPRESENTATIVES.

READ JANUARY 8TH, 1851.

My attention has been called to the large body of original papers in the State Department, connected with the colonial and revolutionary history of the State, and their extremely exposed and perishing condition. These records are worth preservation, as containing authentic information of the action of our fathers in the struggle for national existence. In the Capital of Pennsylvania, and with the sympathies of her patriotic people, was independence matured and declared. Her soldiers were most numerous around the standard of the nation, and there were more battle fields on her soil than in the same area elsewhere. Every memorial of those days of devotion and trial should be faithfully preserved. There exists a single copy in manuscript of the minutes of the Revolutionary Executive Council, a document by far too valuable to remain longer within the reach of accident or mutilation. It would be gratifying to a large body of our constituents if the Assembly would authorize the employment of a competent gentleman to select and arrange for publication these memorials of an interesting epoch in the history of the Commonwealth.

REPORT OF THE SELECT COMMITTEE OF THE SENATE.

Mr. Muhlenberg, from the Select Committee to which was referred so much of the annual message of the Governor as recommends the publication of the minutes of the Proprietary Government of

Pennsylvania, and the original records and papers in the Secretary's office, relating to the Colonial and Revolutionary history of this Commonwealth, made a report, which was read as follows, viz.:

That they have examined the subject referred to them with that attention which its importance requires, and concur entirely with the recommendation of the Executive; in support of which, and as an explanation of the provisions of the bill accompanying this report, they beg leave to lay the following facts and arguments before the Senate:

The importance of the subject to which the attention of your committee has been directed, can scarcely be exaggerated. In it is involved the decision of the question, whether the history of Pennsylvania shall be preserved and made public, or whether it shall remain liable to all the accidents and risks incident to the preservation of manuscripts, which may at any moment be destroyed, and which the hand of time is slowly, but surely effacing. Should that prove to be the case, the early authentic history of this great State will be irrevocably gone, and our descendants, at some future day, will bitterly execrate the parsimony of their ancestors, who, to spare a trifling expense, which could easily have been borne, have condemned them to remain in ignorance of the authentic history of their native State.

In the official records of a State only, can be found its true history. Historians may have been careless and inexact, they may have been influenced by prejudice, or some preconceived theory, or they may have wilfully perverted the truth of history, and from any of these causes may have arisen opinions most opposite to truth, but which, from constant repetition, have become so indelibly impressed upon the public mind, that nothing can remove them. But from all these objections the official records of a country are free. They are, as it were, the daily records of the government, written down at a time when there is no temptation to make false entries, the desire to do which invariably springs from subsequent transactions. They are free from prejudice and the influence of false theories, and from the very necessity of the case, they must be as nearly in accordance with the truth as it is possible for fallible human nature to make them. Hence arises the great value which has at all times been placed upon records such as those now under consideration.

The States of this Union are peculiarly fortunate in this respect, that their history commenced at a period at which the doctrines of public liberty and the rights of the governed had already made such progress, that some form of a representative government was necessary, and that the wishes of the people should, in some degree at least, be consulted. A representative government necessarily implied a record of the transactions of that government; and hence while the early history of most other nations is lost, either from great antiquity, or from the fact that where the will of one man is law, there is no necessity of any record or precedent, the history of the various States of the American Union is preserved in the most

authentic of all shapes, the minutes of the acts and transactions of their government made at the time to which they refer. As, therefore, the wisdom and love of liberty of our ancestors have preserved for us the early history of our country, does not a sense of duty to those who shall succeed us, dictate that the least we can do is to preserve what has been so carefully handed down? And does not the provision in the Constitution under which we live, directing the weekly publication of the acts of the present government, add an additional argument to the view here presented, by showing the importance which has ever been attached by the wisest and best to the publication and *preservation* of the true history of the Commonwealth?

Your committee think that a brief reference to what has been done upon this subject by the governments of other countries and States, will bear them out in the view which they have taken of the importance of the action they recommend. The government of England is at this time engaged in the publication of her original records, commencing with her oldest original paper—the Doomsday-book of William the Conqueror—and many valuable and important discoveries have already been made. The magnitude of this work, covering eight hundred years, filling several hundred printed folio volumes, and estimated to cost over a million sterling, shows the importance of which it is deemed by the enlightened statesmen who projected and continue the publication. The Academy of France, under the direction and at the expense of government, are engaged in a similar undertaking, which will doubtless be as extensive and costly as the work already referred to. The government of the United States, with commendable liberality, has appropriated large sums to the publication of the Journals of Congress during the Revolution, the American State papers, the early diplomatic correspondence of the government, and are now engaged in the publication of the American Annals, a work comprising original papers referring to the revolutionary history of the country, which will prove of immense value to future historians, and will be a proud monument of the great liberality and enlightened views of the National Government. But the United States go no further back than the formation of the confederation; colonial history is the peculiar property of the respective States. Here, however, we are again met with bright examples, which should induce us to emulate the wise, liberal, and patriotic example of our sister States. The States of New York, Massachusetts, New Jersey, Maryland, Virginia, and other members of the Union have commenced the publication of their Colonial and Revolutionary history. The State of Maryland, when engaged in this work, discovered that many portions of her history, originally entire and intact, had been destroyed by time, accident, or carelessness, an irreparable loss, which should teach us to learn wisdom by experience of the misfortunes of others. Our neighboring State of New York, which seems destined to surpass us in all great enter-

prizes, has made most liberal provision for the preservation, collection, and publication of her early history, sending agents, at great expense, to England and Holland, to examine and extract from the records of those countries, all papers throwing light upon the early history of that State, copies of which have been made for her use. Other States have taken similar steps, and the expense of one such mission would probably exceed the entire appropriation asked for in the accompanying bill.

Nor are we without similar examples in the prior history of this Commonwealth. In 1752, the Legislature of that year directed the publication of the Journals of the House, from 1684 to that time, which owing to the poverty of the colony, and the scarcity of printing materials, had that far remained in manuscript. It was a bold and expensive undertaking for a poor and thinly-populated colony, but it was accomplished, and to the wisdom and liberality of our ancestors, we owe the preservation of these journals, embraced in seven large folio volumes, and now in the State Library. The Colonial Records would doubtless have been published ere this, for the public men of those days had wise and enlightened views, but up to the Revolution they were looked upon in a great measure as State secrets, and their publication would not have been permitted. But the proceedings of the Council of Censors were published by the Legislature at a later period, and surely if, when this State was comparatively poor, it could afford to spend, what were to them large sums, in the preservation and publication of the Acts and Records of Government, it can now afford to expend an infinitely smaller sum, in proportion to resources and population, in carrying on a work of such importance.

In the opinion of the committee, Pennsylvania has lagged behind her sister States in the preservation and publication of the materials for the true history of the United States sufficiently long, and it is now time that she should perform her fair share. In addition to this, the fact should be remembered, that Pennsylvania is one of the oldest States in the Union—that her local history is not the least interesting, and that a proper sense of State pride, as Pennsylvanians, should induce us to make public the struggles and trials of her early settlers, as well as the sacrifices and patriotism of her sons during the Revolutionary contest, the notorious neglect of which, in most of the published histories, should cause the cheek of every true-hearted Pennsylvanian to blush, the more especially as this neglect has been in a great measure caused by the omission of her Legislature to make public and accessible to historians the record evidence of those services.

In conclusion, the Committee desire to say a few words in explanation of the plan which they have adopted in the accompanying bill, for the publication of the records and papers referred to in the Governor's message, and to explain as briefly as possible the value of the said records and papers (to ascertain which a long and labo-

rious search has been necessary, and has been performed), in doing which, they beg leave to state here, that they think they have adopted the most economical plan possible, so much so, that the annual appropriation will scarcely be felt after the receipts from the sale of the works are deducted.

The plan adopted by the Committee contemplates the publication of two works: 1st, the continuation of the Colonial Records, and 2d, the selection of the most valuable of the original papers, and their publication, under the title of "Pennsylvania Annals." Both are to be published by contract, in which way it is believed that the price paid per volume will be very much less than that paid for the Colonial Records heretofore printed, while at the same time a proper fulfilment of the contract is carefully provided for. The edition of each work is directed to be the same as the number fixed in the Act of 1837, to wit: fifteen hundred copies, of which one thousand are to be sold, and five hundred distributed, as provided in the act. The price of the copies to be sold is reduced from one dollar and sixty cents to one dollar, which, in the opinion of the Committee, will ensure their sale, for the volumes of the Colonial Records already published, freely command one dollar and fifty cents per volume, and are not easily procurable even then; and of the immediate sale of the Annals no doubt can be entertained when the contents of those volumes are known. Their general interest throughout the country will be such that all persons will be desirous of possessing a copy. But, in affixing the price, the Committee were anxious to ensure as general a circulation as possible, by putting the works within the reach of all. The Colonial Records, as the Committee are informed, will probably make about eight additional volumes, of which two are directed to be published annually until the whole be completed, and the Annals will be embraced in not more than three volumes of the same size, which are to be published as soon as the selection and preparation is completed. The contract price, from the best information your Committee can procure, is estimated at from twelve to fifteen hundred dollars per volume, so that after deducting the estimated receipts, the nett cost of publication to the Commonwealth will be but a few hundred dollars per volume. For further details of the plan, the Senate is respectfully referred to the Act itself.

Your Committee now beg the indulgence of the Senate while endeavoring to give a brief sketch of the contents of the proposed works.

By the Acts of 4th April, 1837, and 14th April, 1838, the immediate publication of the Colonial Records was directed. Under the authority of those acts three volumes were published, when, owing to the monetary embarrassments of the Commonwealth, the publication was suspended. This, as an act of justice to the creditors of the State, was correct, but as our finances are now in a more flourishing condition than they have been for years, that reason can

no longer be advanced. But the cessation of the work at that particular period was unfortunate, for the volumes published were the least interesting part of the whole series, as owing to the limited size of the infant colony, and the absence of any war or commotion, the whole attention of the government was confined to the domestic affairs of the settlements upon the Delaware. Afterwards, as the reader approaches nearer the French and Indian wars, the whole character of the work changes. It is no longer a dry record of the official proceedings of the Council upon matters of little general interest at this day, but is interspersed with letters from agents and officers, reporting Indian massacres on the frontiers, with the correspondence and requisitions of officers of the British forces, with journals of extensive journeys made through the untrodden wildernesses of the northern and western parts of what are now the State of Pennsylvania, with records of the raising and officering of Colonial regiments, and with minutes of the various Indian councils and treaties, in which the speeches of the chiefs, often highly eloquent, are reported at length. To specify all the contents of the later volumes would be impossible within the limits of this report, but in general it may be said, that with the wider sphere of action the general interest is proportionably increased, and that many matters of the highest local interest, now forgotten, will be again brought to light. The petitions, remonstrances, and sufferings of the early settlers will be there found, and as a matter of curiosity it may be mentioned that the original Indian names of tribes, towns, mountains, and rivers, now in many cases forgotten, are there, and there only preserved. In short, your Committee believe that the later volumes of the series will not only prove of general interest, but will be of such historical value, that some knowledge of their contents will be essential to every one professing to be conversant with the history of his native State.

It may also here be said, that the publication of this work would much foster and encourage the spirit of local inquiry now springing up throughout the State, as evidenced by the various county histories already published, and in this manner incidentally much valuble information may be preserved; and the encouragement of objects of this kind has ever been deemed a pleasing duty on the part of all liberal and enlightened governments.

As to the contents of the proposed Pennsylvania Annals, your Committee can scarcely find terms sufficiently strong to express their opinion of the value of those papers. Their other duties did not permit them to examine all the original documents in the Secretary's office, for that would be the labor of months; but many of the bundles were opened and their contents noted. Among the portion connected with the Revolutionary history of the Commonwealth, will be found many original letters from Generals Washington, Wayne, St. Clair, Sterling, Putnam, Arnold, La Fayette, Steuben, and others of the military chieftains of that day, from the Gover-

nors and Committees of Safety of New York, Massachusetts, Virginia, and other States, and from distinguished civilians, such as Franklin, Hancock, Clinton, Adams, and others of the same stamp. These were found in the bundles examined by the Committee; what may still remain in others, no one can tell without examination, for the papers are in such disorder that the endorsements only serve to mislead. Among the Washington letters are two of particular value, one written shortly after the battles of Trenton and Princeton, in which the prompt aid afforded by this State is said to have saved his army, and the other, covering twelve or fourteen pages of foolscap, in relation to the treason of General Arnold, then recently discovered. What seems to be the entire correspondence relative to St. Clair's expedition and defeat, is also among these papers.

Of papers referring to the Colonial and ante-revolutionary history of the Commonwealth, the collection is equally rich and rare. Your Committee found original letters to the Government of Pennsylvania from the great William Pitt, afterwards Earl of Chatham, the Dukes of Argyle and Newcastle, the Earls of Halifax, Loudon, and others, Lord Amherst, Gen. Abercrombie, Gen. Braddock, whose whole correspondence, from his landing to his defeat, seems to be preserved, Governor Shirley, Sir William Pepperel, relative to the capture of Louisburg, General Gage, Sir William Johnston, of Johnston Hall, the Governors Penn, the Governors of adjacent colonies, and many other persons of distinction, which doubtless contain important historical facts. Besides these, there are a large number of letters from officers of the colony, containing facts of more immediate importance to the history of Pennsylvania. Among these may be mentioned numerous letters from Colonels Conrad Weiser, Hugh Mercer (who was killed at Princeton), John and George Armstrong, George Croghan, Major James Burd, and many other officers, containing reports of skirmishes, expeditions, the state of the country, &c., &c. There are also a large number of papers relative to the Connecticut settlers at Wyoming, which controversy forms an interesting and very important portion of our Colonial history. Among the curiosities may be mentioned an autograph letter of Col. George Washington, enclosing the original summons and terms of capitulation in the affair at Fort Necessity. In addition to all these there are many journals of expeditions through the wilderness, as early as from 1730 to 1740, either to examine the country purchased, or about to be purchased from the Indians, to inspect the various forts erected to protect the frontiers from Indian incursions, or to make treaties with the Indians. Some of these journeys were so extensive as to reach the Ohio, and others crossed the New York line, and they are filled with highly interesting sketches of the state of the country and manners of the Indian inhabitants.

In short, your Committee are of opinion, that the Pennsylvania Annals will prove one of the most interesting and valuable contributions to historical knowledge which has yet been given to the

public, for the remark heretofore made, as to the bundles not examined, is equally applicable to this portion of these papers. But in their present condition they are useless, and indeed fast perishing, and neither your Committee, nor any officer of government, even if they possessed the necessary qualifications, can consistently with their other duties, find time to examine these papers properly, and report what portion of them should be published. They have, therefore, provided in the bill herewith submitted, for the appointment of a competent person to examine, arrange, and prepare them for publication.

Your Committee would further remark, that although not competent to make a positive assertion to that effect, they are of opinion, from the slight examination they have been able to make, that the great mass of these papers have been hitherto unpublished, and probably scarcely known, a fact which adds very much to their value, and which, if correct, will certainly ensure the rapid sale of the copies authorized to be sold.

The papers themselves your Committee found in the greatest possible state of disorder, as before remarked, the endorsements, where any exist, only serving to mislead. Many of them, too, are fast going to destruction, under the combined influences of age and neglect, so that if any action is to be taken, it must be speedy, for otherwise a few years more will probably seal the fate, of a considerable portion at least. Some, too, have been mutilated, and others, doubtless, carried off. As an instance of the effect of these causes, it may be mentioned, that the paper on which the first volume of laws is written, has actually so far decayed that the volume is illegible. Happily a copy has been preserved.

To prevent the further destruction of these valuable papers as far as possible, your committee would recommend that the proper committee increase the contingent fund of the Secretary's office, in the next appropriation bill, by such small sum as will be sufficient, after the papers are selected and arranged, to have them bound in a permanent manner. In this way only can the object be accomplished.

In accordance with these views, the committee begs leave to report the accompanying bill:

An Act providing for the publication of the Colonial Records, and other original papers in the office of the Secretary of the Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the Secretary of the Commonwealth be, and he is hereby authorized

and required to continue the printing of the minutes of the Proprietary Government and Council of Safety, down to the close of the Revolutionary war, in 1783, from the point at which the third volume of the Colonial Records terminates, in the same size, shape, and style in which the volumes of the Colonial Records, already printed, are published; and that the number of copies of each volume shall be fifteen hundred.

SEC. 2. That it shall be the duty of the Secretary of the Commonwealth, immediately after the passage of this act, to invite proposals for the publication of the records aforesaid, giving public notice for at least one month, in two papers published in Philadelphia, Pittsburg, and Harrisburg, which proposals shall state the price per volume, and shall include the faithful and literal transcribing of the records aforesaid, under the superintendence of the Secretary: the publication and binding in a manner uniform with, and not inferior, to the volumes of the Colonial Records already published, finding all materials, and the delivery of them to the Secretary of the Commonwealth; which proposals shall be opened at the time appointed by the Secretary, in the presence of the Governor, Auditor General, and State Treasurer, who shall then with the Secretary, proceed to allot the contract to the lowest and best responsible bidder: *Provided*, That before assigning the contract as aforesaid, the successful bidder shall enter into bond to the Commonwealth, with two or more sufficient sureties, in the sum of ten thousand dollars, conditioned for the faithful fulfilment of his contract, which bond shall be approved by the Governor, Secretary, Auditor General, and State Treasurer, before being received.

SEC. 3. That it shall be the duty of the Secretary of the Commonwealth to direct the publication of two volumes of the aforesaid records, in each and every year, until the whole be completed; and so soon as the entire number of copies of any one volume shall have been delivered into his office, he shall certify that fact to the Governor, who shall then draw his warrant on the State Treasurer for the amount due the contractor, according to the contract, which shall be paid out of any moneys in the Treasury not otherwise appropriated: *Provided*, That the Secretary shall not certify as aforesaid, until upon examination he is satisfied that the contract has been carried out in accordance with the true intent and meaning of of this act, and especially, that the volume as published is a faithful and literal copy of the original.

SEC. 4. That any number not exceeding one thousand out of the fifteen hundred copies of the work directed to be printed shall be disposed of by a subscription, to be opened at the several county treasuries of the Commonwealth, at the price of one dollar per volume, the proceeds of which shall be paid into the State Treasury, and be applied to the continuation of the work.

SEC. 5. That two hundred copies of said minutes, when printed and bound, shall be placed in the hands of the Governor, to be by

him distributed among learned societies and public libraries in other States of this Union, at his discretion; that five copies shall be presented to the American Philosophical Society, the Historical Society, the Philadelphia Library, and the Philadelphia Athenæum, each; one copy to each of the several colleges and public libraries in the State; one to each member of the present Legislature; and that ten copies shall be deposited in the State Library, and one copy in each of the record offices of the Commonwealth.

SEC. 6. That the Governor is hereby authorized and required to appoint some competent person, whose duty it shall be to select for publication such of the original documents, letters, treaties, and other papers, prior in date to the peace of 1783, now preserved in the Secretary's office, as may be deemed of sufficient importance to be published, and to arrange them according to date in one or more volumes, not exceeding five, of the size of the Colonial Records heretofore printed, which shall be called "Pennsylvania Annals."

SEC. 7. That so soon as the said papers are prepared for publication, in such manner as to meet the approval of the Governor and Secretary of the Commonwealth, the Governor shall draw his warrant on the State Treasurer in favor of the person so appointed as aforesaid, for the sum of one thousand dollars, as a full compensation for the services directed to be performed by this act, which shall be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 8. That it shall be the duty of the Secretary of the Commonwealth, immediately after the Pennsylvania Annals as aforesaid are prepared for publication, to procure the printing of fifteen hundred copies of the entire series immediately, in the same manner and under the same restrictions as are provided in the second and third sections of this Act in reference to the publication of the Colonial Records.

SEC. 9. That when published, the Pennsylvania Annals shall be distributed in the same manner as is provided in the fourth and fifth sections of this act, in reference to the Colonial Records.

SEC. 10. That so much of any Act of Assembly as conflicts or is inconsistent with the foregoing provisions of this act, be, and the same is hereby repealed.

REPORT OF THE SELECT COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

Mr. Armstrong, from the Select Committee to whom was referred that portion of the message of the Governor which invites the attention of the Legislature to the original papers and records connected

with our Colonial and Revolutionary history, in the department of State, and to their exposed and perishing condition; and also a memorial from the Historical Society of Pennsylvania, upon the same subject, begs leave respectfully to report:

That, in the year 1837, the Legislature, on the joint representation of the American Philosophical Society and of the Historical Society of Pennsylvania, directed the publication of the minutes of the Provincial Council, which direction, in the following year, was enlarged so as to authorize their publication to the period of the revolution, and to include other public records and documents: that, accordingly, two volumes appeared in the year 1838, and another volume in the year 1840, which brought the series down to the 23d of January, 1735–6, at which date the undertaking abruptly ceased, to the deep regret of those Pennsylvanians whose knowledge of the contents of these records, as far as they had been published, and of their increasing interest as the work proceeded, were led to believe they formed the chief source of our provincial history.

Your Committee do not propose to investigate the reasons, if any sufficiently substantial really existed, which for so many years have permitted the Legislature to withhold the completion of an undertaking they had so patriotically begun; withheld, too, at the risk of the loss of these invaluable documents, at some sacrifice of State pride, and certainly with a result calculated to render comparatively valueless what they have attempted to accomplish. At a period when the policy of the province began to assume a settled character, and when of all others, save that of the revolution, most likely to interest, do these volumes end.

The past history of States is generally obscure; not so with that of Pennsylvania: for although much has undoubtedly perished, much has been preserved. The causes which led to her establishment; the character of her founder; the struggles of her first inhabitants; the policy of her early legislation: in a word, whether sought to gratify a spirit of curious research, or to aid the graver purpose of the Statesman, the history of the infant settlement, the flourishing province, and the great Commonwealth, is all spread upon our records.

The Legislature of 1851 have now an opportunity of rendering valuable the undertaking of their predecessors, and of redeeming their State from the charge of a neglect of her history.

Another argument for the continuation of the publication of these records, and for bringing the series down to the period of the adoption of the Constitution in 1790, may be found in the fact that the minutes of the Provincial Council have been published only to the year 1736; yet the minutes of the Assembly have been published from the organization of that body, on the 4th of October, 1682, and through all the changes of government to the present time. A circumstance which renders a completion of the minutes of the Council indispensable, in order to derive the proper benefit from the lib-

erality of a Colonial Legislature; for the records of the Assembly cannot be clearly understood or investigated, unless placed by the side of those of the Council; so that if the suggestion of your Committee is carried out, the legislative history of the State will be complete to the present time. In commending the liberality of a Colonial Legislature for the publication of the minutes of the Assembly—an enterprize for those days far greater than any undertaken since, with reference to the same object—let us commend their foresight too; for whether the originals of the minutes of the Assembly were differently preserved or more exposed than those of the Council, not a fragment of the former is to be discovered in any of the departments. Although it is to be regretted our forefathers did not accomplish what it is now suggested should be done, let us congratulate ourselves that our neglect has not as yet deprived us of the means of completing their unfinished undertaking.

There is a large number of valuable letters, journals, and papers in the department of State, which should be arranged for publication, and afterwards bound, for the sake of the interest attaching to the originals. Among these are orders in Council, and the correspondence between the Governors of the different provinces, indicating the policy of the mother country, and the relations existing between the colonies.

At a later period, we find the correspondence of the Penns, of Pitt, Braddock, Washington, Mercer, Franklin, Clinton, Shirley, Weiser, Spangenberg, John Harris, Elder, Joseph and Edward Shippen, and of other leading men of the last century, throwing much light on the French war, and illustrating the period immediately succeeding it. The department also contains much that relates to the Indians within and beyond our borders; to our different wars and treaties with them, and policy towards them; also much concerning the early history of the Moravian settlements, of that of the different counties, and of the adventures of the pioneers of civilization. With regard to what is styled the "Wyoming controversy," a subject of much interest to a large portion of our population, happily only in an historical view, there are many valuable papers.

When the period of the revolution is approached, we will venture to pronounce no State richer in letters and documents connected with that struggle. It is natural to suppose there should be much in the archives of a State which was the centre of operations. Your Committee, however, regret to say that they have learned this portion of the collection, from long exposure, has been much diminished and impaired; and that ancient letters and papers, generally, with all the vigilance that can be exercised, are yearly disappearing from the archives. Of the signatures of the Founder, of the large number once in the department, but one is said to exist.

Humiliating as it is to expose the neglect of which we have been guilty, let us hope a good result; and that State pride may be suffi-

ciently aroused to remove the evil, in a judicious selection (by some competent person) and publication of what remains.

In the course of their examinations, the Committee had occasion to inspect the records in the office of the Surveyor General, and they believe they would not faithfully discharge their duty, if they omitted to report the condition in which they found a large number of the volumes and other papers belonging to that important department. Many of the volumes are going to pieces for want of a rebinding, and many documents and papers are equally suffering, because not bound. It would be discreditable to the State if this evil were permitted any longer to exist; and your Committee would suggest a small appropriation should be made, to be disposed of under the direction of the Surveyor General, for binding such books and papers as in his opinion may require it.

A regard for the records of the past is a marked trait in the character of the Anglo-Saxon race. And the warm interest our citizens take in all that concerns our State and revolutionary history—an interest continually increasing, and which shows our rights can never be endangered when a disposition is manifested to investigate their origin and progress—would seem to indicate, irrespective of the precarious condition of these papers, the urgency of speedy action.

The expenditure required to complete the publication will, in the opinion of your Committee, be amply returned by the eventual sale; but, if not, your Committee believe it is as much the duty of a State to preserve from perishing the memorials of her history as to carry out any of the great ends of government.

New York, and other sister States, set us a noble example in their efforts to publish and preserve all that relates to their early history.

Your Committee trust that the Legislature will at once take action on this important subject; and, for the honor of our great Commonwealth, which has so much reason to be proud of her origin and history, rescue from oblivion and perhaps destruction her neglected annals.

And they would, therefore, respectfully recommend the passage of the bill received from the Senate upon the subject of the Colonial Records, with such modifications as their report suggests.

The Committee offer the following resolution, viz:

Resolved, That the Committee be discharged from the further consideration of the subject.

On motion, the said resolution was read the second time, considered, and adopted.

AN ACT PROVIDING FOR THE PUBLICATION OF THE COLONIAL RECORDS, AND OTHER ORIGINAL PAPERS IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Secretary of the Commonwealth be, and he is hereby authorized and required to continue the printing of the minutes of the Proprietary Government and Council of Safety, down to the adoption of the Constitution, in the year one thousand seven hundred and ninety, from the point at which the third volume of the Colonial Records terminates, in the same shape and style in which the volumes of the Colonial Records, already printed, are published—each volume to contain not less than eight hundred pages, and that the number of copies of each volume shall be fifteen hundred.

SECTION 2. That it shall be the duty of the Secretary of the Commonwealth, immediately after the passage of this act, to invite proposals for the publication of the records aforesaid, giving public notice for at least one month, in two papers published in Philadelphia, Pittsburg, and Harrisburg, which proposals shall state the price per volume, and shall include the faithful and literal transcribing of the records aforesaid, under the superintendence of the Secretary, the publication and binding in a manner uniform with, and not inferior to the volumes of the Colonial Records already published, finding all material, and the delivering of them to the Secretary of the Commonwealth; which proposals shall be opened at the time appointed by the Secretary, in the presence of the Governor, Auditor General, and State Treasurer, who shall then, with the Secretary, proceed to allot the contract to the lowest and best responsible bidder: *Provided,* That before assigning the contract as aforesaid, the successful bidder shall enter into bond to the Commonwealth, with two or more sufficient sureties, in the sum of ten thousand dollars, conditioned for the faithful fulfilment of his contract, which bond shall be approved by the Governor before being received.

SECTION 3. That it shall be the duty of the Secretary of the Commonwealth so soon as the entire number of copies of any one volume shall have been delivered into his office, to certify that fact to the Governor, who shall then draw his warrant on the State Treasurer for the amount due the contractor according to the contract, which shall be paid out of any moneys in the treasury not otherwise appropriated: *Provided,* That the Secretary shall not certify as aforesaid, until upon examination he be satisfied that the

contract has been carried out in accordance with the true intent and meaning of this act, and especially that the volume, as published, is a faithful and literal copy of the original.

SECTION 4. That any number not exceeding one thousand out of the fifteen hundred copies of the work directed to be printed, shall be disposed of by subscription, to be opened at the several county treasuries of the Commonwealth at the price of one dollar per volume, the proceeds of which shall be paid into the State Treasury, and be applied to the continuation of the work.

SECTION 5. That two hundred copies of said minutes, when printed and bound, shall be placed in the hands of the Governor, to be by him distributed among learned societies and public libraries in other States of this Union, at his discretion. That five copies shall be presented to the American Philosophical Society, the Historical Society, the Philadelphia Library, the Franklin Institute, and Philadelphia Athenæum, each, and one copy to each of the several colleges and public libraries in the State, one to each member of the present Legislature, and ten copies shall be deposited in the State Library, and one copy in each of the record offices of the Commonwealth.

SECTION 6. That the Governor is hereby authorized and required to appoint some competent person, whose duty it shall be to select for publication such of the original documents, letters, treaties, and other papers, prior in date to the peace of one thousand seven hundred and eighty-three, now preserved in the Secretary's office, as may be deemed of sufficient importance to be published; and to arrange them according to date and subject in one or more volumes, not exceeding five of the size of the Colonial Records heretofore printed, which shall be called "Pennsylvania Archives."

SECTION 7. That so soon as the said papers are prepared for publication in such manner as to meet the approval of the Governor and Secretary of the Commonwealth, the Governor shall draw his warrant on the State Treasurer in favor of the person so appointed as aforesaid, for a sum not exceeding one thousand dollars, as a full compensation for the services directed to be performed by this act, which shall be paid out of any moneys in the treasury not otherwise appropriated.

SECTION 8. That it shall be the duty of the Secretary of the Commonwealth, immediately after the Pennsylvania Archives as aforesaid are prepared for publication, to procure the printing of fifteen hundred copies of the entire series immediately in the same manner, and under the same restrictions, as are provided in the second and third sections of this act, in reference to the publication of the Colonial Records.

SECTION 9. That when published, the Pennsylvania Archives shall be distributed in the same manner as is provided in the fourth and fifth sections of this act, in reference to the Colonial Records.

SECTION 10. That so much of any act of Assembly as conflicts, or is inconsistent with the foregoing provisions of this act, be, and the same is hereby repealed.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of February, one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

MINUTES

OF THE

PROVINCIAL COUNCIL OF PENNSYLVANIA.

At a Council held at Philadia. Febry 7th 1735–6

PRESENT:

The Honble PATRICK GORDON, Esqr., Lieut. Governor,

James Logan,	Ralph Assheton,	Esquires.
Samuel Preston,	Samuel Hasel,	
Thomas Laurence,	Thomas Griffitts,	
Clement Plumsted,	Charles Read,	

The Minute of the preceding Council being read & approved,—

The four following Bills sent up from the House of Representatives were read:

An Amendment of an Act Entituled An Act the more effectually to prevent the erecting of Wears, Damms, &ca within the River Schuylkill.

A Supplement to the Law for laying out of Highways and Publick Roads.

A Supplement to the Law for erecting Pounds, &ca

An Act to enjoyn sundry Officers in the County of Philadelphia to deposite the Records, Publick Papers, &ca in their Custody in the offices adjoyning to the State House.

The first instead of enforcing the Law to which it is said to be an Amendment, is rather a Repeal, by giving Leave to erect Wears between the ——— day of April & ——— day of May in each year: and a Petition signed by a great Number of Inhabitants living on the upper parts of Schuylkill, alleadging divers Reasons against passing the said Bill, being presented & read, The Board on due Consideration thereof, had agreed on the following Message:

"From the Governor in Council to the House of Representatives on the subject matter of the Bill Entituled,

"'An Amendment of an Act Entituled An Act the more effectually to prevent the erecting of Wears, Damms, &c. within the River Schuylkill.'

"The Governor hath received a Petition, signed by great Numbers of the Inhabitants living on the upper Parts of Schuylkill, alledging divers matters of Fact, which if true give him some surprize, for that all Men ought to be heard.

"The Governor thinks fit likewise to observe,

"That both the Soil and Water of all Rivers within the Province belong undoubtedly to the Proprietaries unless where they have been by them granted away.

"That the first Proprietor the Founder of this Colony from his Paternal Care, which extended it self equally to all the People, ever declared against the Erecting of Racks and Wears, as appears by an Act passed by himself in 1683, and by another likewise passed by him in 1700.

"That our Founder herein copied from the Example of our Mother Country, where, by the Wisdom of the Legislature, many wholesome & effectual Provisions have been divers times made for the free & open Navigation of the Rivers, & preserving the Breed of Fish.

"That the whole of this matter having been largely considered by former Assemblies in this Province, upon occasion of the Petitions preferred by such, who, with a view only to their own present Interest, were desirous of obtaining a Liberty so prejudicial to the good of the Whole, an Act to prevent the Erecting of Wears and Damms was passed in 1730, which not being found altogether sufficient, it was by an Act passed in 1734 further strengthened and rendered more effectual.

"That the following year, as is set forth in the Petition aforesaid, the matter was again fully heard by the House, & the Petitions of those who prayed Leave to Erect such Wears and Damms were rejected.

"That therefore, since the Proprietor from the first would not suffer them, & the Legislature have so often declared against them, it seems inconsistent with the Dignity of Government, that attempts of this kind should be so often renewed and countenanced.

"For these Reasons the Governor desires that the House will not press on him the further considering a Bill of this Nature.

ROBT. CHARLES, Secry."

To the second Bill several small amendments were made, and it was recommended to the House to consider, whether in this Bill it would not be very proper to make some further Provision for

obliging the Overseers of the Highways to a more carefull Execution of their Duty, many Complaints being made of their Negligence.

On the Subject matter of the third Bill, and reading the several Laws referred to therein, the following Message was agreed on by the Board:

"From the Governor in Council to the House of Representatives on the Subject matter of the Bill Entituled,

"'A Supplement to the Law for erecting Pounds, &c.'

"The Governor conceives, that in all Proprietary Governments the Rangers have been unquestionably Officers of the Proprietaries, as in Colonies under the King they are generally the King's Rangers; That Waifts & Strays, for which no Owners can be found, have ever been allowed to belong to the Lord of the Fee; yet on the other hand, due care ought to be taken that no wrong to the Subject by the misbehavior of any such officers, who ought to be under proper Security & Qualifications for the lawfull Discharge of their Offices: The Governor therefore proposes that a Bill should be drawn for regulating the whole affair of Rangers & Strays, & whatever may relate to them.

ROBT. CHARLES, Secry."

To the fourth sundry small amendments were proposed.

All which, together with the Bills, are directed to be sent down to the House.

At a Council held at Philadia. Febry 11th, 1735–6.

PRESENT:

Samuel Preston,	Ralph Assheton,	Esquires.
Clement Plumsted,	Samuel Hasell,	
Thomas Laurence,	Thomas Griffitts,	

The Minute of the preceeding Council being read & approved,

The two following Bills sent up from the House of Representatives were read, to witt:

An Act to confirm the Decrees & Sentences given before the Governor & Council of this Province, in certain Causes adjudged before the said Governor & Council as a Court of Chancery.

An Act for establishing Courts of Equity in this Province.

The Board then directed several Parts of the Royal Charter for this Province, of the Charter of Privileges granted by the late Proprietary to the Freemen, and of the Proceedings of the present House of Representatives on the Subject matter of these Bills, to be read, which being done accordingly, the Consideration of the whole is deferred till the next meeting of the Council, that all the Members may be present to advise on so important an affair.

At a Council held at Philadia. Feb'ry 13th, 1735–6.

PRESENT:

The Honble PATRICK GORDON, Esqr., Lieut. Governor.

James Logan, Ralph Assheton, Samuel Preston, Thomas Griffitts, Clement Plumsted, Charles Read, Thomas Laurence, } Esquires.

The Minute of the preceeding Council being read & approved,

The four Bills returned to the House with the Observations thereon made and amendments proposed by the Board, being again sent up with the answers of the House to the said Observations, & their Reasons for not agreeing to several of the Amendments, the same were read and are as follows:

"From the Representatives of the Freemen of the Province of Pennsylva. in General Assembly met to the Governor, in relation to his observations on the Bill Entituled, An Amendment of an Act Entituled An Act the more effectually to prevent the erecting Wears, Damms, &ca. within the River Schuylkill.

"The Subject matter of this Bill having heretofore been fully debated by the Petitioners for & against the Racks, in the hearing of divers of the Members of this Assembly, it was therefore conceived no new Information was likely to be had therein, & that were it otherwise, those who Petition the Governor had no reason to expect a hearing from the House unless they had made application to that End.

"The House had no Intention of depriving the Proprietors of any Right they may have to the Soil & Water of Rivers within this Province, nor have they any doubt that the Paternal Care of the Proprietor & Founder of this Colony extended to all the People, but his being against the erecting of all Wears, &ca. is not evident to them from either of the Acts referred to, but rather the contrary; the Acts of 1683 & 1700 both relate to such Wears, &ca. only as extend the whole Breadth of any Creek or River; the Act of 1730 to such Wears &ca. by which Navigation was obstructed; but neither of them prohibit any such Racks which may be placed at a time & in a manner not attended with those Inconveniences.

"Therefore on Consideration had of the Premisses with the several Facts set forth in the Petitions herewith laid before the Governor (great part of which the House believes to be true), they hope it will not appear inconsistent with the Dignity of Government to give the Petitioners the Relief they seek, by passing the Bill for amending an Act, against which so many complaints have been made.

"By Order of the House

"J: GROWDON, Cler Coun."

"From the Representatives of the Freemen of the Province of

Pennsylvania in General Assembly met To the Governor on the Subject matter of the Bill Entituled

"'A Supplement to the Law for Erecting of Pounds, &c.'

"The House are of Opinion, that by two Acts passed in the seventh & tenth years of the Reign of the late King George, the first Entituled 'An Act for Erecting & Maintain[g] of Pounds,' the Second Entituled 'An Act to Improve the Breed of Horses, &c.' both now in force, suff[t] Provision is made for Rangers, Waifs, & Strays, and that as the Bill now under Consideration is only to amend some Defects which appear in those Acts, without mak[g] any alteration therein to the prejudice of the Proprietors, or any officers they may appoint, The House are therefore in hopes that the Governor, on perusal of those Acts, and Reconsidering the Supplementary Bill proposed, will be pleased to give his Assent thereto, without engaging them to enter into the Consideration of any further Law to those purposes, which to them appears altogether unnecessary.

"Signed by Order of the House,
"J. GROWDON, Cler Coun."

The Amendments to the Supplementary Bills for laying out of highways & publick Roads were agreed to, but the House are of Opinion that the Laws relating to Overseers of the Highways, if duly executed, are sufficient; Whereupon It is Recommended by the Board to such of their Number as are of the Magistracy, to take proper Care herein, & that they charge the Grand Jury's to make due Presentments, to the End the Laws may be put in Execution against such Overseers who shall be found remiss in their Duty.

Some of the Amendments proposed to the Bill for enjoyning sundry Officers to deposite the Records, &c. in the Offices adjoyning to the State House were agreed to, but the House persists in retaining those parts of the Bill, which oblige the Register General to an Attendance of 6 days in the Week, and make the fine of 10s. for the Neglect or Refusal of the Officer recoverable by the Testimony of one credible Witness.

The Bill for stablishing Courts of Equity was again read, but the Consideration thereof is, at the Governor's Desire, deferred till tomorrow forenoon, to which time the Council is adjourned.

At a Council held at Philadia., Febry 14th, 1735-6.

PRESENT:

The Honble PATRICK GORDON, Esqr., Lieut. Governor.

James Logan,	Ralph Assheton,	Esquires.
Samuel Preston,	Samuel Hasell,	
Clement Plumstead,	Thomas Griffitts,	
Thomas Laurence,	Charles Read,	

The Minute of the preceeding Council being read & approved,—

The two following Bills sent up from the House Entituled

AN ACT for ascertaining the manner for the future erecting of Ferries within this Province,

AN ACT for ascertaining the Rates of Ferriages to be taken at divers Ferries within this Province,

Were read, to both which several Amendments being proposed, the same are ordered to be drawn up.

The Consideration of the Bill for establishing Courts of Equity being adjourned to this forenoon, the Governor proposed that, previous thereto, the Proceedings of the House on this Subject, & the Resolution passed by them, whereby the Conduct of the late Governor, of himself, and of those Gentlemen of this Board, who have assisted in holding a Court of Chancery or Equity since the year 1720 is openly arraign'd, & an Imputation thrown on them of having acted without proper Authority, or usurped an unlawfull one, should be duly considered, and some method be concerted for vindicating the Governor and Council from so unjust a Charge brought against them.

The Minutes of the present House on this Subject, and likewise several of those of the Assembly which met in October, 1719, at whose Request the then Governor was induced, with the assistance of the Council, to take upon him the Exercise of the Powers of a Chancellor, were read, & the Matter being fully spoke to, the Board came to the following unanimous Resolutions:

That the Resolve of the present House declaring "That the Court of Chancery as it is at present established is contrary to the Charter of Priviledges granted to the Freemen of this Province" is an unjust Charge on the present Governor, his Predecessor, & those Gentlemen who have composed, or do now compose, that Court, of having violated the Priviledges granted by the Proprietors Charter to the Freemen of this Province, tending to create grouhdless Jealousies of the Governor & Council, & to foment Discontents amongst the Inhabitants.

That a Vindication of the Proceedings of the Governor & Council be prepared and published, setting the whole Matter touching the Establishment of the said Court in its true Light, in order to remove those Impressions which otherwise may be entertained of the Conduct of this Board in relation thereto.

The Governor then moved the Board to consider & advise him. Whether it may be consistent with his Duty to the Proprietors, from whom he derives his Commission, & to the Crown, whose Approbation he is honoured with, that, contrary to the Practice which is generally known to obtain in all others of His Majesty's Colonies in America, where the Office of Chancellor is exercised, either by the Governors alone, or in Conjunction with others, chiefly those of

His Majesty's Council, He should now consent to any Bill for excluding himself, and the succeeding Governors of this Province, from presiding in the Court of Chancery or Equity?

The Consideration of which Motion is deferred till the Bill for establishing Courts of Equity comes under advisement.

It was then moved & agreed to that, for the quicker Dispatch of those other Bills now before the Board, Mr. Logan, Mr. Plumsted, & Mr. Assheton, be a Committee to draw up the amendments proposed to some of them, & the Reasons of this Board for adhering to their former Objections against others, and to report the same on Monday next.

At a Council held in Philadia., Feb'ry 16th, 1785–6.

PRESENT:

The Honble PATRICK GORDON, Esqr., Lieut. Governor.

James Logan,	Ralph Assheton,	Esquires.
Samuel Preston,	Samuel Hasell,	
Clement Plumsted,	Thomas Griffitts,	
Thomas Laurence.		

The Minute of the preceeding Council being read & approved,

The Committee, to whom it was referred to draw up amendments to several of the Bills now lying before the Board, & Reasons for adhering to the Objections against others, reported this day the following Messages & Amendments which were read in these Words:

"From the Governor in Council to the House of Representatives, in Reply to their Answer to his Message on the Subject matter of the Bill Entituled an Amendment of An Act the more effectually to prevent the erecting Wears & Damm's within the River Schuylkill.

"The Governor was in hopes what he had sent to the House on the Bill for Racks would have prevented their giving themselves any further Trouble about it, nor does he find any thing the House has since offered to have any such Weight with it, as to induce him to alter his Opinion; The Proprietors have always shewn a Paternal Regard for the good of all the People, & the Governor has ever thought it his greatest Honour & Merit to act in all such things conformable to their Inclinations; & therefore that all further Debates on this Head may be ended, he will here briefly show that it is with a sincere View to that Care and Regard, that he cannot agree to the Bill for Amendments as it is called.

"The Soil & Water of all the Rivers & Creeks within the Province that are not granted away by the Proprietor or his Agents are undoubtedly his, & yet as far as ever the Governor could learn, the

Proprietor never sought to make any advantage of them to himself, but as a common Father to consult the Good of the Whole.

"At those two several times the late Proprietor was in the Province, he passed two several Acts against Damms and Wears, as they might be injurious both to the Navigation & Fishery, of which all Persons from the Mouths to the Heads of the Rivers or Creeks ought equally to partake of the Benefit. That Damms were a direct Obstruction to all Navigation where they stood is certain, but Wears were equally prohibited with Damms; and it is well known, if the Governor is rightly informed, that Racks are a much greater Obstruction to Navigation than Wears were, these being made of small sticks or some very slight Matter fastened to Stakes, but those are made of more substantial Materials, like Horse Racks, erected & kept up by large Stones carried into the River to support them; and tho' it is said in the proposed Bill, that one half of the River is to be kept open, yet were even this observed, the Obstruction of the other half must, in the Night time, or on sudden Turns of Points in the Day, be highly dangerous. But yet all this is not of equal weight with the following:

"It has pleased Divine Providence in a wonderfull manner to provide for the support of the Inhabitants of the Earth who dwell on or near Rivers, by implanting such an Instinct in the Fish of the Sea, as that they shall at least once a year crow'd up even to the highest parts of such Rivers to lay their Spawn, on which their Breed & further Increase is said wholly to depend; and in all well regulated Governments, particularly in England, the utmost Care is taken for Preservation of the Fishery to prohibit whatever may prevent their Course, or Discourage them from their annual Visits & Returns. But the Method now proposed by the Bill, according to all Accounts we have of the Practice of those that follow the Fishing by Racks in Schuylkill, appears to be the most ruinous that could possibly be contrived; For it is positively affirmed, this Practice is, for great Numbers of People mostly on Horseback, for a Mile or two or more, with large Bushes, Stakes, or other Instruments that may best answer the End, to beat the Water with great Noise, rake the Bottom of the River above the Racks, & to take all the Methods in their Power to force the Fish down into the Racks; and if this was the Practice heretofore, now when half the River is to be left open, it will follow of course that others in & about that vacant Part must use equal or greater Industry to prevent their getting that way by the Racks, by which means those that can escape must be more frightned and disturbed, the Spawn by the treading of Horses or other Feet, & by raking with Bushes & Trees must be destroyed, & while this is practised in half a score places in that River, they must obstinately shut their Eyes who cannot see, that, as it has happened in other places from the like Methods, the River will in time be entirely deserted by the Fish, and all the Inhabitants, in

all parts of the River, deprived of that great Benefit intended for Mankind by the Creator.

"And further there have such accounts been yearly given, when any Racks have either publickly or otherwise been erected, of the tumultuous Meetings, riotous Behaviour, Quarrels, Contentions, & even Outrages amongst the young People and others who assemble as to a Merry-making or a publick Diversion, at the time of Fishing by Racks, which are so unseemly Returns for the Benefit conferred on them, that this Consideration alone ought to weigh with all sober and well disposed persons, & dissuade them from encouraging any thing that is generally attended with such Consequences, as are a Reproach to any Government, whose Business it is to preserve Peace, Tranquility, & good Order.

"To allow People to make any Racks with Limitation that they shall not be carried above such a Length into the River can prove, as to this Limitation, no other than an Amusement: When People are justified in making some kind of Racks, & they meet for their own Interest, & none are present, or at least none with sufficient Power to interpose, it is not to be imagined that they will keep within any Rules or Limits whatsoever.

"Upon the whole, nothing can be more clear to any who will impartially consider the Nature of what is proposed, without any View or Interest, but solely to Right and good Order, than that such Methods of Fishing, were they indulged for any time, for the sake of only a present Profit, as it must necessarily, even for that time, deprive those on the upper parts of the River of the advantages to which they have an equal Right with any other that live on it, so it cannot in all humane Probability fail of depriving all the Inhabitants & our Posterity of every part of the Benefit, by entirely banishing the Fish from every River where these Methods are put in practice.

"It is with Reluctance the Governor finds himself obliged to withstand the Applications that have been made, but as they cannot be conceded to without much greater Disadvantages, he finds himself obliged in Duty & Conscience to refuse passing the Bill; and he hopes this Refusal may in a little time be found much less to the Disadvantage of those who sue for the Bill than they may now imagine. The Bottom of Schuylkill in the lower parts of the River is said to be stony & unfit for Nets, but the Governor conceives, if the Nets be made somewhat deeper, & in the proper Places fixed & kept every where to the Bottom, while they are buoyed up at Top, a competent Number of Fish may be taken, and in time the People's Skill will improve & render it more familiar & easy, & by this Means the Blessing may be continued to all the Inhabitants & their Posterity."

"From the Governor in Council to the House of Representatives a further Message on the Subject matter of the Bill Entituled A Supplement to the Law for erecting Pounds &ca.

"The Governor by his former Message on this Bill observed, that a proper Regulation for Rangers & Strays was wanted, no other being in force in this Province besides that of the 10th of the late King, which is conceived in so indecent & indigested a manner in the two last Paragraph's but one, that it cannot be to the Honour of any Government to have it numbred amongst its Laws. But as the present Bill may be of Service to the Country, the Governor is willing to assent to it, provided that the Words referring to that act be left out & only the word *Rangers* retained.

"Amendments proposed by the Governor in Council to the Bill Entituled An act for ascertaining the Manner for the future erecting of Ferries within this Province.

"Insert this Clause '*And that between the Establishment of such Ferry in the manner aforesaid, & such time as the Legislature can take into Consideration the Rates proper to be sett for the same, It shall and may be lawful for the Person or Persons so nominated or appointed for keeping the said Ferry, to take & receive such Rates as are by Law allowed to be taken at the nearest Ferry to the same in this Province over the same River or Creeks.*'

"Leave out from the Word *Law* the three last Lines in this Page, & the first Word in the next, and in Lieu thereof say *than such Rates & allowances as now are or hereafter shall be from time to time sett & established by the Legislature of this Province.*

"The Reason for this last amendment is this, That by the Clause, as it stands in the Bill, it may be construed, that when the time for which the Rates are sett is expired, no Ferriage at all must be taken, and consequently no attendance will be given, till a new Regulation is made by the Legislature. Now it is possible that several accidents may happen to render the obtaining of such a Regulation at that time impracticable, such as the Death of a Governor during the time of a Session, or on divers other Occurrences that may intervene."

All which being agreed to by the Board were ordered to be signed by the Secretary and sent down to the House with the Bills.

Then were read the two following bills:

An Act for vesting the State house & other public Buildings with the Lott of Land whereon the same are erected in Trustees for the Use of this Province.

An Act for regulating Retailers of Liquors near the Iron works.

Both which were agreed to without amendment, & ordered to be returned.

The Members of Council having met by themselves, & on mature & deliberate Consideration approved of a Report drawn up by Mr. Logan, touching the Establishment of the Court of Chancery in this Province, the same was now laid before the Governor, & being

read, His Honour expressed his very great Satisfaction in seeing the whole matter so truly & justly represented, & thanked the Gentlemen of the Council for the Trouble they had taken on this Occasion to do justice to him as well as themselves, Which Report follows in these Words:

"To the Honourable PATRICK GORDON, Esqr., Lieutenant Governor of the Province of Pennsylvania, &c.

"In compliance with the Governors Desire, that we the Members of Council for this Province should take into our Consideration a certain Resolve of the present House of Representatives, which is found printed in their Votes of the 27th of last Month, and is read in these words:

"Resolved upon the Question,

"That the Court of Chancery, as it is at present established, is contrary to the Charter of Priviledges granted to the Freemen of this Province.

"For that the Governor conceives it is intended by the said Resolve, and so he finds it is understood to be the Meaning of the House, That the Court of Chancery which was established *in* the Governor and Council in the year 1720, and has to this time so continued, there being no other Court here that bears that Name, is contrary to, and consequently, as often as it is held, a Violation of the Privileges granted by our late Honourable Proprietor the first Founder of this Province, to the Freemen of the same, from whence it follows, that in their Sense, not only the Governors, but all the Members of this Board, who, in pursuance of the first Establishment of the said Court, have assisted, or do assist, in holding the same, are in every such act guilty of a Violation of the Charter, and as this heavy charge, by being published to the whole Country must necessarily engage all those who by the authority of that Resolve of their Representatives may be led into the same Opinion, to consider the Governor & Council as Violators of their Rights, it must therefore nearly concern us all very seriously to weigh & examine what Foundation there is for such a Charge; and if none in Truth & Reality can be found, as he hopes there will not, it will be incumbent on us to justify both the Governor & ourselves to the World from so harsh an Imputation.

"Accordingly, may it please the Governor, we have very seriously considered the said Resolve, and say, That it gives us a real Grief, and very deeply affects us, to find that our Representatives (on whose tender Regard and Concern for the Honour Reputation & Tranquility of the whole Government, & for the Peace & Security of all its Inhabitants, there ought always to be a very great Dependance) should now at this time, when there was not to our Knowledge the least Occasion given for it, strike so unexpected, as well as unmerited, a Blow at so very considerable a Part of the Govern-

ment, as all Men must own the Governor to be, if there were no Regard or Consideration to be had for us, who being as deeply interested by our Families & Estates in the Welfare of the Publick as any others, and from some Opinion (tho' perhaps undeserved) of our Qualifications, have had the Burthen thrown on us of assisting the Governor in important affairs with our advice, to the loss of our own Time, and without any Consideration or advantage to ourselves whatsoever.

"But waving all Complaints, and putting up with what Degree of Regard those Gentlemen are pleased to extend to us, we shall proceed to consider the matter itself; In order to which we first observe, that the late King in Council having in the year 1719 repealed the Law by which our Courts were then held, Colonel Keith, afterwards Sr. William Keith (who was then our Governor, to prevent the countrys suffering as it had done a very few years before, by having for many successive Terms no Courts at all except the City Quarter Sessions held in the Province), thought fit (by virtue of the Powers granted by the Royal Charter to the Proprietor by himself or his Lieutenants or Deputies to establish all Courts whatsoever necessary for the administration of Justice) immediately & without loss of time to erect & appoint by his Commsssions all those for Law, both Superior and Inferior. But for several Months after these were so erected, there being no Court of Equity of any kind in the Government, and yet without some such Court all Governments must be defective, he was so cautious, as it appears, in this point, that he made no Step therein till he had first advised with the Assembly at their Meeting in May following in 1720. It appears also that he took the best Advice he could procure of Persons skill'd in the Law, & particularly (as he ought of course) that of our then *Attorney General*, Andw. Hamilton, Esq., who was esteemed & allowed to be as able in that Profession as any on the Continent of America, and universally it appears to have been the Opinion at that time, That the Proprietor & his Lieutenants being then as at first vested, with the sole Powers of erecting Courts, and as it was the Practice, as far as could be known, of every one of the British Colonies, both Proprietary Governments, & others for the Governors, some with, and others without, the Assistance of the Council, to hold Courts of Equity, the same might as properly be put in Practice here, and accordingly the Assembly then sitting passed the Resolve the 4th Day of May 1720, as it is now printed in the present Assembly's Minutes (viz.:)

"Resolved, That considering the present Circumstances of this Province, this House is of Opinion, that for the present the Governor be desired to open & hold a Court of Equity for this Province, with the assistance of such of his Council, as he shall think fitt, except such as have heard the Cause in any inferior Court."

"It further appears, that the Governor was so far from hurrying

on the Establishmt. of such a Court, that he laid not this Resolve before the Council till more than a Month after, and longer time being taken to deliberate on it as an Affair of Importance, no further Steps were made therein, till a few Days before the meeting of the same Assembly in August, when a Council was called on the sixth of that Month, where the Speaker of the House with three other Members were present, and in this Council the preceeding Resolve is said to have been an unanimous Resolution of the House, and a Proclamation being agreed on for establishing a Court of Chancery the same was laid before the House and read there the sixteenth of the said Month, as it appears by their Minutes, whose Address carried up by Isaac Norris and Clement Plumsted Esqrs., on their breaking up two Days afterwards, further shews their approbation of the several Steps that had been made herein; So that these Premises considered, there appears no room for the least Shadow of Blame to be thrown either on the Governor at that time, or the Council in this Proceeding, for the Power was in the Governor, the ablest & all the Lawyers advised to it, the Assembly desired it, and it was the Practice & still is, as for as we know, of all other British Governments in America.

"But we find it is now alledged there is a Clause in the Charter of Priviledges repugnant to the Governor & Council's holding such a Court in this Province, and it is said to be the sixth article which is in these Words 'That no Person or Persons shall or may at any time hereafter be obliged to answer any Complaint Matter or Thing whatsoever relating to Property before the Governor & Council, or in any other Place, but in the ordinary Course of Justice, unless Appeals thereunto shall be hereafter by law appointed.' But the holding such a Court by the Governor & Council, they say, may oblige People to answer Complaints in Matters relating to Property before them: Upon which we must observe, that the Charter of Priviledges is dated the latter End of October 1701, and the Resolve of the Assembly being but about eighteen years & and a half after, there were then divers persons of Figure & Consideration not only then living, but Members of that House, who not only could well remember the Grant of the Charter, but if we greatly mistake not, some of that House of 1720 were Members also of the Assembly in 1701 who accepted of the said Charter, and therefore none could be thought more capable of judging of the true Intent and Meaning of that Clause, nor are we to suppose that such a House of Representatives could be ignorant of it or overlook it, for that Charter having been highly esteemed & justly held dear by all the People, such a Neglect or Failure cannot with any Colour of Reason be suspected, as that, while every House of Representatives consider themselves, as their Constituents do, to be the Guardians of the Rights & Priviledges of the People, and obliged most carefully to watch over them, there should not be one Member of the House to put the rest in mind of such a Repugnancy. It cannot

therefore be supposed an Inadvertency, or that the whole Assembly were ignorant of such a Clause, but rather that they not only well knew the Clause itself, but also knew that there was no Repugnancy in any Clause or Words of it to the Court they then desired might be erected.

"But to proceed. The several Courts of Law having been held from the year 1719 to 1722 by Commissions only, the Assembly for that last year prepared a General Bill for all the Courts of Law, which was passed by the Governor, yet tho' in the Resolve of May 1720 it is said to be the House's Opinion, that the Governor should for the present be desired to hold a Court &ca from which Words some have imagined that a further Consideration was intended, yet there was not the least alteration made or offered that we know of in Relation to the Court of Chancery, but while all the others were established by Law, that alone continued as at first erected. And to take of all Suspicions that these two Assemblies might possibly be so inadvertent (which as has already been remarked cannot rationally be conceived) as not at all to consider the aforesaid sixth Clause in the Charter, we must further observe, that the Assembly that sate in 1724–5, having by a singular management of Sr William Keith been put upon considering the Charter thorowly, upon which Occasion it was printed that it might come to the Hands & Knowledge of all the People, it does not appear that any Repugnancy was then found or taken notice of between the Charter & Chancery in any respect: And yet further, if it should be alledged that this Establishment & Continuance of the Court was owing to the Influence or Art of the then Governor it is to be rembred, that since the Governor's Accession, who has ever been above every Practice of that kind, the Assembly for the year 1727, who were then under no Restraint, but as much at Liberty as the present, seeing Occasion to alter and re-enact the Law for Courts, accordingly did alter & with the Governor's Concurrence re-enact it, but never offered at any alteration in the Court of Chancery more than the others had done before them: And thus, as it was first erected at the Desire of an Assembly, and the Proclamation for its Establishment publickly read in the House, and has on the same Foot been continued in the times of fourteen several Assemblies, all on new Elections before the present which is the fifteenth, there must be something very uncommon & extraordinary to make that now a Repugnancy to the Charter which does not appear to have been discovered by any other to be such before, and this with what we have here offered we hope will be abundantly sufficient to take off all manner of Imputation from the Governor & Council, for continuing to hold a Court so solemnly & deliberately erected, & makes it clearly evident that the present House have not duly considered the several Assemblies that have gone before them, and those three particularly, the first which in 1720 pass'd the Resolve for it, and the other two in 1722 & 1727, who pass'd the Laws for all the other

Courts; for had any of those Assemblies believed there was any such Repugnancy as has been mentioned, it was undoubtedly most immediately incumbent on them to have prevented the Erecting of the Court, or to have remonstrated upon it when erected, and to endeavour to have the Grievance removed: Nor does the House seem to have sufficiently reflected on these two Considerations.— First, that the Word Property as from the Distinction always made between the Proprietor's Proprietary Powers & those of Government, the different Hands in which they are lodged, as the Lieutenant Governor and Commissioners of Property with the several Offices for them as Secretary of Government and Secretary of *Property, in all which Cases, and in the general acceptation of the Word in this Province it has been commonly understood, that the Term related only to such affair's as concerned the Proprietors Property only, and seldom to any other, which plain & common Distinction, fully takes of all Imputation from every of the former Assemblies as well as from all others. And again that, should even that Word be taken in the general and more extensive Sense, as the present House would now understand it, yet when a Court of Equity is so erected as to proceed according to the Rules of a Court in Chancery, they are then to be considered as a Court, and such a Court as is held in every one of the British Governments according to the stated Rules of Practice, and therefore the People are not obliged by it to answer any otherwise than in 'the ordinary Course of Justice' according to the express words of the Charter. Nor can it be any Objection that the Council & Court are both made up of the same Persons, for as the Council are generally chose from amongst such as are accounted the principal Persons of the Place, they are for the most part Judges or Magistrates at the same time in the Courts of Law, as the principal Part of those who generally make up the County Court & Common Pleas at this time for Philadelphia, are all Members of the Council, and tho' they are the same Persons, yet they sit as different in their different Stations, and under different Qualifications, as well in the Court of Chancery as in the other Courts of Judicature. Therefore as the Case on the Part of the Members of the Board is just the same in this as in y^e^ other Courts, the only Difference can be in Relation to the Governor, and it must appear strange to all the World, that the Person in whom half the Power of Legislation, & the whole Power of appointing all the Magistrates, those of Corporations excepted, is vested, should be thought unfit to be trusted with only a Vote, in Conjunction with

*In the commission to Edward Shippen and others appointing them Commissioners of Property, bearing equal Date with the Charter the Word Property, is repeatedly used in the Sense here applied to it . . . . the Office is called the Office of Property . . . . . they are empowered to manage affairs of property, &^ca^ . . . . and in the act passed by the whole Legislature for the more easy collecting the Proprietary Quit Rents, the Proprietor is said to be represented in Matters of Property, &^ca^

others, in the Trial of a Case of private Property between Person and Person: The Assembly however may be assured, that none of the Council are fond, or in the least desirous, of the Employment, and if the Governor shews any Inclination the Court should be continued on the same Foot, we are perswaded it can be from no other Inducement than his Desire to preserve Decency and Order, and some Resemblance between this Government and all the other British Ones in America. So that in no Sense whatever of the Word can there be any Repugnancy between such a Court of Chancery and the Charter.

"We must at the same time acknowledge that, when an Assembly is of Opinion that any Part of the Constitution or Administration may be altered for the better, they have a good Right to take proper Measures for it and endeavour to obtain it; yet in this Case we cannot be perswaded but that, after the present House had applied to the Governor to know on what Foundation the Court of Chancery was established, if they had disliked it, and were of Opinion it would be for the Service of the Publick to have an Alteration made, it would have been proper to have first acquainted the Governor with their Sentiments, and in some regular Method to have conferred on the Head, and not, without any further Communication, to have proceeded to such a Resolve, to be immediately published to the whole Country, as lays so hard an Imputation on the Governor and all the Council who have been concerned in that Court.

"Before we conclude, we ought not to omit observing that in the Notes of the present House some Petitions against the Court of Chancery are mentioned as the Foundation of their Proceedings therein, but altho' it is the undoubted Right of the Subject to prefer Petitions to every Branch of the Authority, in whom the Power of redressing any Grievances, which they conceive they labour under, is vested, yet the Practice & Method of obtaining Names to Petitions amonst us are now so very well known, that all Persons of Judgment must be sensible, the Matter, and not the Number of the Signers, is principally to be considered and regarded.

"Thus, may it please the Governor, we have given our Sentiments of that Resolve, and hope what we have here offered, with a most sincere regard to Truth and Justice, will have Weight as well on the House of Representatives themselves, as on all other impartial People who may consider the same.

"James Logan,
"Samuel Preston,
"Clement Plumsted,
"Thomas Laurence,
"Ralph Assheton,
"Samuel Hasell,
"Thomas Griffitts,
"Charles Read."

The Governor's ill State of Health rendering his application to Business too fatiguing, He requested that the Gentlemen of the Council, or any three of them, would meet & dispatch the other Bills lying before the Board, & such as hereafter should come from the House, acquainting him, by the Secretary, with their Proceedings; Which several of the Members undertook to do.

In a Committee of Council, February 19th 1735–6.

PRESENT:

James Logan, Ralph Assheton, Samuel Preston, Thomas Griffitts, Clement Plumsted, } Esquires.

The Bill for depositing the Records in the Offices adjoining to the Statehouse, with the amendments proposed by the Governor, & the Reasons of the House for disagreeing to some of them, being taken into Consideration, a Petition of Mr. Evans Register General for the Probate of Wills, &c. having been presented to the Governor, & now laid before the Committee, was read, setting forth the Hardship of being obliged, under a fine recoverable by the testimony of any one Person, to give so close an attendance as six days in the week on an Office whose profits are not a sufficient Support, and that the Books ought not to be lodged together with the Original Wills & Papers, as well for the general Security as for the Conveniency of making out Copies with more Expedition & less Trouble to the Officer & People applying for them, & therefore praying that the said Bill may in these Points be amended: Whereupon, & on considering the amendments in Controversy, a Paper was Drawn up and reported to the Governor, who having approved thereof it is Ordered to be signed by the Secretary, & carried down to the House with the Bill, & is as follows:

"From the Governor in Council to the House of Representatives, in answer to their Observations on the Amendments proposed by Him to the Bill entituled An Act to enjoyn sundry officers in the County of Philadelphia to deposit the Records Publick Papers, &c. in their Custody in the Offices adjoyning to the State House.

"Tho' an attendance by Deputy may be deemed a good one, yet to obviate all Doubts its desired that the Word *Deputy* be inserted in the proper Places of this Paragraph.

"It is insisted that Office Hours should be named, because otherwise the Officers may be called upon at unseasonable Hours—after the word *Week*, twice repeated in this Paragraph, add *between the Hours of* 9 *&* 12 *in the forenoon &* 3 *&* 5 *in the afternoon;* after the words *at other Times*, say *within the Hours aforesaid.*

"The attendance of the Register General cannot but be judged

unreasonable, for as that Office ought always to be in a Person of Credit & Circumstance, it must be acknowledged that it would be too great a Hardship to confine him or his Deputy to constant Attendance for so many days even at his own house, for all Persons have Business abroad, nor can it be conceived why in this Point there should be any Distinction between that Officer and several others: The Governor having received a Petition from the Register General herewith delivered, recommends to the House to consider it, & especially his Proposal relating to the Books, which cannot but be a further Security to the Country in case of any accident by Fire.

"The Persons accept of these Offices solely for the profit of them, and that profit will undoubtedly induce them to give all reasonable attendance, but so strict an Injunction by Law may give a handle to Persons of litigious Dispositions to put the Officers to unreasonable trouble and vexation.

"As the fine is to be recovered in the like manner as Debts under forty shillings are, the Evidence of the Complainant is received, besides whom there ought to be the Testimony of another; add therefore after the word *Witness, besides the Complainant;* and that this Fine may be no Temptation or Inducement to watch Opportunities for Complaints, It is proposed, and the House are desired to agree, That it may be applied to the Use of the Poor of the County."

Some Progress being made in drawing up amendments to the Bill for ascertaining the Rates of Ferriage, the Committee adjourned till the afternoon.

The Secretary was ordered by the Governor to acquaint the House, that the last-mentioned Bill would be returned this afternoon, that there remained with the Governor the Bill for confirming the Decrees of the Court of Chancery, & the bill for establishe Courts of Equity, with Regard to which His Honour desires that the House will furnish him with Copies of the several Petitions presented to them, complaining that the Court of Chancery, as it is established in this province, is a violation of the Charter of Priviledges.

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P. M. PRESENT:

The same Members as in the forenoon except Mr. Preston.

The amendments to the Bill for ascertaining the Rates of Ferriage being drawn up, reported to the Governor & by him approved, were signed by the Secretary and ordered to be carried down to the House with the Bill.

The several following Papers being this afternoon brought up to

the Governor from the House, were by His Honour sent to the Committee & read in these words:

"An answer from the House of Representatives to the Governor's verbal Message of this Day by his Secretary.

"Upon Consideration had of the Message from the Governor for sending to him Copies of the Petitions preferred to this House, complaining that the Court of Chancery is a violation of the Charter of Priviledges, The House do answer:—

"That We assure the Governor we shall be always ready to do every thing that is consistent with the Priviledges of this House to oblige him; That we humbly conceive it is entirely discretionary in this House to give Copies of any Complaints or Petitions made to them for Redress of Grievances, and that it may at some times be of very ill Consequence so to do.

"But as we conceive the Petitions, of which the Governor request Copies, contain nothing but a just State of the Inconsistency of the Court of Chancery as then held, with our Charter of Priviledges, upon the Preservation of which the Happiness of the Freemen of Pennsylvania so much depends, It is

"*Ordered*, That the Clerk forthwith make out Copies of the said several Petitions preferr[d] to this House, together with the Number of Subscribers to each Petition, and that two Members of this House wait upon the Governor with the same.

"Signed by Order of the House,
"A. HAMILTON, Spcaker."

—

"To the Honble House of Assembly for the Province of Pennsylva.

"The Petition of divers Inhabitants of the County of Philadia.
"Humbly Sheweth,

"That this Province, remarkably distinguished for the many great and valuable priviledges which they enjoy, & which are chiefly owing to the wise Contrivance in the first Foundation of our Constitution, and our present Charter being the great Security we have for the Continuance of our present happy Condition, We beg leave to represent, That by our said Charter of Priviledges, which has always been held sacred by the Freemen of this Province, It is declared by our first noble Proprietor, That no Person or Persons shall or may at any time hereafter be obliged to answer any Complaint, Matter or Thing whatsoever relating to property, before the Governor & Council, or in any other Place but in the ordinary Course of Justice, unless Appeals thereunto shall hereafter by Law be appointed. Yet notwithstanding our Governor & his Council,

contrary to the very Words of the Charter, have, for a considerable time past, Thought fit to sundry Inhabitants of the Province, to appear and answer before them as a Court of Chancery, which we conceive to be not only a Violation of our Charter, the great Security of our Liberties & Priviledges, But may in time be attended with very dangerous Consequences, and as this part of our Charter is dispensed with in this Particular, the whole may in time come to be disregarded upon other Occassions, Which we humbly pray may be considered of and guarded against by you, in whom the Country have reposed their Trust, and who are for the present the Guardians of the Peoples' Rights and Priviledges.

"Two hundred and Fifty-five Persons have signed to the Petition of which the above is a true Copy.

"J. GROWDON, Cler. Coun."

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"To the Speaker and Honble Assembly of the Province of Pennsylvania.

"The Petition of divers of the Inhabitants of the County of Bucks

"Humbly Sheweth,

"That the People of this Province, being very Sensible of the many valuable Priviledges granted to us by our first Proprietor, And that we cannot shew the Value we put upon them better than by endeavouring strictly to preserve the same to our selves & our Posterity, We therefore take the liberty to represent to you, our Representatives, That our said Proprietor, well considering the many strange Judgments that had been given in his Day and Memory, in the Court called the Starr Chamber, and before the King in Council, in prejudice of Mens Liberties & Properties, did wisely & justly provide in his Charter of Priviledges granted to the People of this Province, that no Person should be obliged to Answer any Complaint, Matter or thing whatsoever relating to Property, before the Governor & Council, or in any other Place, but in the Ordinary Course of Justice, which for a long time was Carefully observed. But of late years a Court called the Court of Chancery has been held before the Governors and Council of this Province, and mens' Propertys have been tryed there, Which we beg leave to say is Contrary to our Charter; And besides it is complained That Charges of that Court are very high, and People are obliged to be at a great Expence & trouble in coming from the remote parts of the Province to Philadelphia, which is a great grievance to the Inhabitants: Wherefore your Petitioners humbly pray you will take this grievance into your wise Consideration, and grant Relief to the People of this Province, by causing our Charter to be strictly observed, And Further to provide for the Ease of the People, by erecting Courts of Equity

more convenient for their Attendance, and less Expensive to those who may have any Business there. All which we humbly Submit to your wise consideration.

"The foregoing Petition is subscribed by Eighty-four Persons.

"There is another Petition from the county of Bucks, Verbatim with the above, signed by forty eight persons.

"J. GROWDON, Cler. Coun."

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"To the Honble Speaker & House of Representatives of the Province of Pennsylva.

"The Petition of divers Inhabitants of the County of Chester

"Humbly sheweth,

"That our late Honble Proprietor, having seriously considered what was the best & most likely way to People his Country, found that his securing to all such as should become Freemen of Pennsylvania the Freedom of Englishmen, with certain other Priviledges suitable to the Settlement of a new Country, was the only way to effect this great Work, And therefore he granted to all such as should become Inhabitants of his said Province many valuable Priviledges, as by our present Charter may fully appear; And by which Charter it is provided that the Legislative Power should be wholly vested in the Proprietor or his Deputy Governor, and the Representatives of the Freemen of Pensylvania met in general Assembly, And that no Person should be obliged to answer any Complaint, Matter or Thing whatsoever relating to Property, before the Governor & Council, or in any other Place, but in the ordinary Course of Justice, unless appeals should be thereunto granted by Law, which was a very just Provision made for the Security of the Peoples' Rights, who might have many Differences even with the Proprietor himself about matters of Property, and that therefore it was not equitable that any Cause wherein he might be concerned should be tried in a place where he himself or his Deputy (which is the same thing) should sit as Judge; Yet so it is that notwithstanding the Provision made by our Charter, there is a Court of Chancery held before the Governor & Council, where, we are informed, several Persons have been obliged to appear & answer concerning their Properties. Wherefore as we conceive this Court is expressly against our Charter, & may in Time prove on many Accounts very dangerous, as well as tedious and expensive Court to the People of this Province, We humbly request that you will take the same into your wise Consideration, & not only take care that the Priviledges granted to us in our Charter are inviolably preserved, but that some Provision suitable to the Circumstances of the people may be made for such as want Relief in Equity, without being

obliged to travel from the remotest parts of the Province to Philadelphia, & there to attend that Court at a very great & heavy Expence, Which Proceedings, as the Business of that Court does Increase, will undoubtedly become a very great Grievance to the People; all which we humbly submit to your wise Consideration, and we as in Duty bound, &c.

"The above Petition is signed by fifty-nine Persons.

"J. GROWDON, Cler. Coun."

A Bill Entituled,

An Act for the more easy & speedy Recovery of small Debts, having been sent up from the House to the Governor, was read & continued under Consideration till to-morrow morning, to which time the Committee adjourned.

February 18th.

The Governor sent down to the House the following written Message by the Secretary:

"Gentlemen:

"It was a very great Surprise to me, to read in the printed Notes of your House the Minute & Resolution of the 27th of January last, in Relation to the Court of Chancery for this Province, as held by the Governor & Council, yet as it has always given me an Uneasiness to differ in Sentiment from the House of Representatives, I delayed several Days taking any Measures thereon, till believing there was a Justice due to the Council as well as my self, I at length on Saturday last, put the Gentlemen of that Board on taking the said Resolve into their serious Consideration, who have thereupon reported their Thoughts to me with so much clearness & strength of Reason, as well as Modesty, in a Paper of which I herewith send a Copy, that I cannot but think it must have great Weight with all who will seriously and impartially consider the same.

"And having viewed the Copies of the Petitions you yesterday sent to me, I cannot but think that some of the invidious Allegations therein ought rather to have been censured than countenanced. That the Court of Starr Chamber was highly oppressive is certain, and accordingly it was abolished in the time of King Charles the First, in the year 1641, some years before the Birth of our late Proprietor, so also undoubtedly were all Orders & Decisions of the King & Council that affected the People in their Property, otherwise than was agreeable to the laws of the Land, & any such like would be the same here; But the Court of Chancery erected in this Province, was, by its Establishment, to proceed agreeably to

the Course of the Court of that Name in Great Britain, and as is justly observed in the Council's Paper, if the Members, because they are of the Council, are unqualified to act in the Court of Chancery, the same Reason may be advanced against their acting in any other Court where Property is concerned, tho' it is well known they now make, and always have made, a considerable Part of the principal Courts of this Province; and if I also acted in it, it is, as far as I have been able to learn, agreeable to the Practice of by much the greater Part if not all the British Colonies in America: And I assure you, it is a part that I should never have chosen to take upon me, if I had not at my arrival found that Court to be so established for some years before, and the Country in the Practice of it; and therefore all Men must acknowledge, that I could not but consider it as a Duty incumbent on me that could not be dispensed with: If the Fees were found too high or unreasonable, it was easy at any time for the Assembly to have proposed a Regulation in these, equally with all those of the other Courts & Offices in the Country, which should readily have been complied with upon any Terms that could be judged reasonable; Nor can there be much Room for Complaints of this Kind, since in the Nine years & upwards that I have presided here, but two Causes, & both by Consent, have been brought to a Decree, and very little other Process had been entered there, but it must appear strange, how all at once such Petitions should be now set on Foot over the Province, and brought in about the same time, without any particular Occasion given for it that can be discovered: As for the Manner of establishing the Court, you are referred to what the Council say thereon, and I cannot doubt but your Inclinations to preserve Peace & a good Understanding between all parts of the Government must lead you to alter your Sentiments in Relation to your past Minutes on this Subject: But if your House shall continue still of Opinion that a further Regulation in that Court is wanted, if any thing reasonable can be offered, which I conceive the Nomination of Judges by your House is not in this Case, more than for any other of the Courts of Judicature in the Province, you shall not find me backward to agree to anything that may be truly to the Honour and Service of the Country.

P. GORDON."

With which a Copy of the Report of the Council was likewise delivered.

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In a Committee of Council the same day.

PRESENT:

James Logan,	Thomas Laurence,	Esquires.
Samuel Preston,	Ralph Assheton,	
Clement Plumstead,	Thomas Griffits,	

The Consideration of the Bill for the more easy Recovery of

small Debts being resumed, sundry Amendments were proposed, which being drawn up & reported to the Governor, He directed the Secretary, upon delivering the said Bill & Amendments, to acquaint the House that He conceives this Bill may be very beneficial to the Province, & would become more so by receiving the amendments proposed.

In a Committee of Council, February 19th, P. M.

PRESENT:

James Logan, Ralph Assheton, Samuel Preston, Thomas Griffitts, Clement Plumstead, } Esquires.

The following Bills being again sent up to the Governor were laid before the Committee, to witt:

The bill about Pounds with a written Message in these Words:

"From the House of Representatives, to the Governor's further Message on the Subject of the Supplement to the Law for erecting Pounds.

"The House agrees to leave out the Words proposed to be left out by the Governor in his amendments, & in their Room to substitute these following, viz.: *appointed & licenced according to the Laws of this Province.*

J. GROWDON, Cler. Coun."

The bill ascertaining the manner of erecting Ferries, with a verbal Message that the House could not agree to the Amendments, because it was conceived they destroyed what the House intended by the Bill.

The Bill for depositing the Records in the Offices adjoining to the State house, with a written Message in these Words:

"From the House of Representatives in answer to the Governor's Observations of yesterday, on the Bill to enjoyn sundry Officers in the County of Philadelphia to deposite the Records, &ca. in the Offices adjoining to the State House.

"1st. Two Days in a Week are not a sufficient Attendance for the Recorder of Deeds, and therefore Hours are omitted both at the Offices & at the Officer's own House.

2dly. "An Attendance every Day by the Register General at his own House, was enjoined to excuse an Attendance on certain Days at the Office.

"But if it be insisted to reduce the attendance to particular Days & Hours, the House is of Opinion, That to prevent the Countrymans being disappointed (who comes to Town to have his Business done, as his Affairs will permit), the attendance should be at the

respective offices, & from nine to twelve & from three to six in every Day in the Week.

"3dly. That Forasmuch as there are many Wills Recorded, the Originals of which We presume are not in the Register General's Office, it is just & reasonable the Books, where the Proof of such Wills are only to be found, should be secured, as well as the Original Wills themselves, and as the application to the Register General is but seldom, as he himself represents, to wit oftentimes not once in a Fortnight, & sometimes but once in a Month, it cannot be a Hardship for the Officer to step to the Office once in a Week or a Fortnight for a Copy of a Paper.

"J. GROWDON, Cler. Coun."

The Committee after sometime spent on considering the Points in Controversy adjourned till to-morrow.

In a Committee of Council, February 20th.

PRESENT:

James Logan, Ralph Assheton, } Esquires.
Samuel Preston, Thomas Griffitts, }

It was notified to the Committee from the Governor, that the House had agreed to all the Amendments to the Bill for the more easy Recovery of small Debts, & had signified their Inclination to adjourn till August.

Upon resuming the Consideration of the Amendments in Controversy, on the three Bills mentioned in the preceeding Minute, the Committee were of Opinion that it might be of service, if some of their Number went to the House with the said Bills, & explain'd the Points in Contest, and this Opinion being reported to the Governor he concurred in the like Sentiments.

Whereupon, Mr. Logan, Mr. Preston, & Mr. Assheton, attended the House for this Purpose in the afternoon.

February 21st.

The Governor received this day the following Paper from the House by seven Members.

"An Answer from the House of Representatives to the Governor's Message of the Eighteenth Instant.

"May it please the Governor:

"The House of Representatives of this Province, which at present is chiefly composed of the same Members who have had the Honour to represent the Freemen of Pennsylvania in General As-

sembly for many years past, as they have constantly embraced every Opportunity of shewing their hearty Regard for the Governor, are under no small concern to find him with his Council, express so great a Surprize, and show so strong a Resentment at a Vote of our House, in which we intended no Dishonour or Offence either to the Governor or his Council (who are Gentlemen well known to us and for whom We have a very great Personal Esteem), But were led, by the Nature of the Subject under our Consideration, to determine upon the Consistency or Inconsistency of the Court of Chancery, as held before our Governor and Council, with our Charter of Priviledges, in doing of which We humbly conceive We acted in direct Discharge of that Duty which we owe to the People whom we represent, and which we could not avoid without drawing down upon ourselves the heavy Imputation of Betrayers of that high Trust reposed in Us by the People of Pennsylvania.

"It is indeed with Grief We see a plain Resolve, made in Maintenance of our Charter of Priviledges, wrought up, by all the aggravations that Words can add to it, into a Crime against our Governor and his Council, nay even as if it affected the Honour, Reputation, and Tranquility of the whole Province, for the preservation of whose Rights that Resolve was made.

"And far from apprehending any Design in the Governor, We readily upon his Request sent him Copies of the Petitions presented to our House upon the Subject matter of our Resolve, which We humbly conceive was matter of Respect, and not of Right: We could not suffer ourselves to believe that those Petitions were desired, with Intent to censure either the petitions or Petitioners, that being as we conceive the undoubted Right of the House of Representatives to whom they were preferred, and we take the Liberty to say, as the Right of Petitioning is the Right of the Subject, We cannot without concern see the Petitioners (very many of whom are People of Merit and Distinction, & have acquitted themselves with Honour and Reputation both in Assemblies & Courts of Justice in this Province), fall equally with the Assembly under the Governor's Displeasure, the one for petitioning in the manner they did, which they had an unquestionable Right to do, and the other for not censuring the Petitions which in Justice they could not do.

"But altho' We must acquiesce under all this, yet it's hoped we have a Right, in Defence of our own judgment, to consider how far the Sentiments of the Governor and his Council are consistent with our Charter, and how agreeable to Law, with Relation to the Governor's Right of holding a Court of Equity without a Law for that Purpose.

"And we take the Liberty to observe, that as an exposition to the sixth article of the Charter, the Report of the Council, which is part of the Governor's Message, contains a long Narration of the Occasion and the Manner in which the Court of Chancery was es-

tablished in the Governor and Council of this Province, That the Judgment of the ablest Lawyers was had, and great Deliberations used in the doing of it, The Opinion of the Assembly when that Court was erected, The Acquiescence of all the Assemblies since that time under that Establishment, and that no Complaint has ever been made of the Proceedings of that Court, and so they Inferr with the Governor, that all this considered, together with the Practice of much the greater Part, if not all the British Colonies in America, is a compleat & full Proof of the Governor's Right of holding a Court of Chancery with or without his Council. To which we take the Liberty to say, that a Vote of the House of Representatives, suppose it were more full and directory than that referred to by the Council (for less so it cannot well be), & suppose it to be unanimous too, which we are informed it was not, is yet not of sufficient Authority to raise a Court of Equity, which we judge can only be done by a Law in this Province; Nor can we believe that the Opinion of one or more Lawyers (who are left to answer for themselves) in favor of that Court, or the silence of subsequent Assemblies, are of any Consideration in this Case. And were it to the purpose, we can say that upon the strictest Enquiry We cannot find that even the Charter was considered, or so much as thought of upon that Occasion, by any Assembly of Pennsylvania before this time, neither can the Practice of the other British Colonies, was it really as the Governor & Council have alledged, which we are informed it is not, operate any thing in the Case, unless it can be made appear that these Colonies have a Charter of Priviledges of the same Tenor with ours, and even then their Indolence or Inattention too much like our own, cannot be justly urged against us in a Matter so plain and obvious as the Words of our Charter: We are really sorry to see gentlemen of such Penetration as the Governor's Council are, in Support or Justification of their Resentment, building up an Authority upon the Oversight of one and silence of several Assemblys, but much more so, to find them resining away the common Sense of our Charter, by confining the Word Property, when used within the Province of Pennsylvania, to the Property of the Proprietors only, a Construction unnatural, and which with Submission must be an Absurdity, if confined to such a meaning. When the Appeals which by the Charter may be appointed by Law to the Governor and Council, must according to that Construction be from the Proprietor to the Proprietor, if no Man's Property is mean't by the Charter except the Proprietors.

"However, this We may take as a proof of the Extraordinary Opinion the Council have conceived of our Understanding. But were our Charter really silent, yet it seems to be clear that a Court of Equity cannot be raised or constituted at this Day, but by Act of Parliament in Great Britain, and consequently by Act of Assembly here, and then a suit in our Court of Equity will be in the ordinary Course of Justice, and not before. And for as much as We

have annual Assemblies, who meet at least three times in the year, and so a Court of Equity may be easily established by Law, we cannot well understand why so great Pains should be taken to support a Court otherwise set up, whose Jurisdiction, it seems generally agreed, either is not legal, or rightly understood. We are often referr'd to the Constitution of our Mother Country, and the practice of the high court of Chancery there. But, at the same time there seems to be no Regard had to the well-known Opinion of the Judges of that or any other of the Kings great Courts; For by them it is agreed, that the King cannot by his Charter raise a Court of Equity, tho' he can a Court of Law, And the Reason given is in our Opinion excellent, to witt, for in the One, the Judges must Judge according to one ordinary Rule of the Common Law, but otherwise it is of Proceedings extraordinary, without any certain Rule; and We cannot help saying it seems strange, that after it is agreed, the King by his Charter or Commission cannot set up such a Court, that yet it should be concluded, the Deputy of the King's Patentee can erect himself into a Court of Equity, for if he can do it by a Vote of the House of Assembly, he can do it without, till it is made appear that a Vote of a House of Assembly is a Law; and We hope when the Governor shall be so charitably disposed as to believe we acted from a principle of Duty and Justice to our Country, And when it appears that the Judges of the Court of Chancery (as it was held in Pennsylvania) are not the first great Men who have exceeded in their Jurisdiction, and have had the same declared to be illegal. The Governor and these Gentlemen too will be so good as to allow, that such like Things have happened before this time, and that too without giving any such Offence, which we presume will be seen by the following Case: The Court of Requests in England, where the Lord Privy Seal sat Judge, assisted by the Masters of Requests, composed of divers of the King's Council, contended to extend their Jurisdiction to all Causes equally with the Chancery, And to strengthen their Jurisdiction obtained a Commission from King Henry the Eighth to hear & determine all Causes in Equity. An attachment issued out of this Court against one Flood, and the Sherif took Bond for Flood's Appearance before the King's Council in the Court of Requests; Flood did not appear, and the Bond was forfeited, upon this Bond in the 40 & 41 of Elizabeth, a Suit was brought in the Common Pleas against Flood, who appeared & shewed all this to the Justices of the common Pleas, And thereupon they, without any Conference with or Apology made to the Lord Privy Seal, &c. judged that the Court of Requests, notwithstanding the Great Men that were Judges of it, and its long Continuance, and altho' it was strengthened by the King's Commission, was no Court of Judicature, but all the Proceedings there were Coram non Judice, and the arrest of Flood was false Imprisonment: It is further observed in the Report of that Case, That as Gold and Silver money as current may pass even

with the proper Artificer, tho' it hath too much Allay, until he hath tryed it with the Touchstone, Even so this Nominative Court may pass with the learned as Justifiable, in Respect to the Outside by vulgar Allowance, until he advisedly looketh into the Roots of it, and tries it by the Rule of Law; and it is further said, that in Respect of the Continuance this Court hath had by permission, and the Number of Decrees therein had, it were worthy of the Wisdom of a Parliament to establish Things past, and make some Provision with reasonable Limitation for Time to come.

"Here is an Instance that great Men may be mistaken, and have been much & long mistaken in their own Jurisdiction, and have by permission gone on and made many Decrees, and yet were never really a Court of Judicature, nor did we ever hear of any Resentment against the Justices of the Common Pleas, who Judged that the Lord Privy Seal, with many of the King's Council who were Masters, had no Authority to hear Causes in Equity. And we hope, our Governors Council, who we humbly presume are not more superiour to the House of Representatives of this Province, than the Lord Privy Seal and the other great Men, Masters of the Court of Requests, were to the Justices of the Common Pleas, will change their Opinions of our proceedings, which were not carried the length of the Case we have just now mentioned.

"It is further urged by the Council 'That it must appear strange to all the World, that the Person, in whom half the Legislation, and the whole Power of appointing all the Magistrates, those of Corporations excepted, is vested, should be thought unfit to be trusted with only a Vote in Conjunction with others in the Tryal of a Case of private Property between Person and Person;' And upon the Contrary, we are of Opinion, that it must seem more strange to all the World, that it should be so warmly contended to have a Gentleman, the Supream Magistrate of the Province, who has so much Power, sit in any Court of Judicature, with Persons of his own appointment, to determine private Property; For we cannot doubt but it will be agreed, that any greater Power vested in a Judge than what is incident to his Office, and necessary to support the authority of the Court in which he sits, & to compel the Execution of his Judgments or Decrees, has seldom or never been found to advance an impartial Administration of Justice. It is now more than twenty days since the Publication of the Resolve of our House, to which the Governor is pleased to referr. And as it was thought necessary by the Governor & Council to take notice of it in the manner they have been pleased to do, We hope to be pardoned for saying, that in our Opinion, it would have been more reasonable, if it had been earlier, for then it might have saved us some time in framing, and the Governor the Trouble in considering, the two Bills relating to the Court of Equity, which have lain long before him, without our being at all informed in what State they are, tho' the Session of Assembly is now very near a

close; But it is the Governor's pleasure so to do, and We must in this acquiesce with what he thinks fit.

"Signed by order of the House,

"A. HAMILTON, Speaker."

Which is referred to be considered in Council.

The Governor being desirous that the Bills relating to the Ferries should be compleated this Session, directed the Secretary to acquaint the House verbally, That on the Subject of those Bills He offered a further Proposal, which if agreed to by the House, and added to the Bill for settling the Rates of Ferriage, He would then consent to that Bill, & to the Bill for ascertaining the manner of erecting Ferries as sent up from the House.

Which Proposal was delivered in writing in these Words:

"Instead of the last Proviso in the Bill for regulating the Rates of Ferriage, Say: *Provided always, that this Act shall continue in force for seven years, & to the end of the then next ensuing Session of such Assembly, as shall present to the Governor a Bill for the further establishing & regulating the Rates and Prices of Ferriage throughout this Province, consistent with, & conformable to, the Act of this present Session, Entituled An Act for ascertaining the Manner of erecting of Ferries within this Province, & no longer.*

"It is desired the Title of this last Act may be thus alter'd."

"The advancing of three pence on each of the Rates for a Man & Horse on the Ferries upon Sasquehannah is recommended to the House."

The House sent a Message to the Governor, desiring that he would please to appoint two Members of Council, to join a Committee of the House, in comparing the engross'd Bills that have pass'd the House with his Concurrence, with the amended Copies that were sent up to the Governor, and to know when he would receive the House in order to pass the said Bills into Laws. The Governor answered that he would be ready to receive them at Four a Clock this afternoon. And having appointed two Members of Council for comparing the Bills, who thereupon reported the same to His Honour,

The whole House with their Speaker attending, the four following Bills were passed into Laws, and Warrants signed for affixing the Great Seal thereto, viz.:

A Supplement to the Law for laying out of Highways and Publick Roads.

An Act for the more easy & speedy Recovery of small Debts.

An Act for vesting the Statehouse and other Publick Buildings, with the Lotts of Land whereon the same are erected, in Trustees, for the use of this Province.

An Act for regulating Retailers of Liquors near the Iron Works.

The Governor having received from the hands of the Speaker an Order for Four hundred pounds, in part of the current year's Support, thanked the House; they then withdrew, and adjourned themselves to the ninth day of August next.

At a Council held at Philadia., April 21st, 1736.

PRESENT:

The Honble PATRICK GORDON, Esqr., Lieut. Governor.

Clement Plumsted,	Samuel Hasell,	Esquires.
Ralph Assheton,	Charles Read,	

The Chief Justice having reported to the Governor that at a Court of Oyer and Terminer and general Goal Delivery, held at Philadia. for the City and County of Philadia. the 13th, 14th, & 15th instant, three Persons had been tried for Burglary, and being thereof found guilty had received Sentence of Death, to witt: John Watnell, Michael Mc Deirmatt, & Katharine Connor als. Smith, & having likewise delivered his Opinion to the Governor, that he did not conceive either of them had any just Claim to Mercy, His Honour this day acquainted the Board therewith, & likewise with his Intentions to order their Execution on this day se'night, unless some Reasons should be offered to the contrary. The Board having nothing material to offer in behalf of any of these Criminals, & acquiescing in the Opinion of the Chief Justice, to whom their Case must be best known, referred it to the Governor to do herein as to him shall seem most meet.

N. B. The men were executed, & the Woman reprieved.

At a Council held at Philadia., August 5th, 1736.

PRESENT:

James Logan,	Thomas Laurence,	Esquires.
Samuel Preston,	Ralph Assheton,	
Anthony Palmer,	Samuel Hasell,	
Clement Plumsted,	Thomas Griffits,	

Mr. Logan, as eldest Counsellor, addressing himself to the others Members, acquaint[d] them that they were now called together on the melancholy Occasion of the Lieut. Governor's Death, on which Event the Exercise of the Powers of Goverment (Legislation excepted), by a Law of this Province passed in the 10th and 11th year of Queen Ann, devolves on this Board, which Law he desired might be read, & it was read accordingly, as were likewise two Minutes of Council of the 27th *& 28th of August*, 1730, whereby

the Rank and Precedency of the several Members of this Board had been declared & established.

Mr. Logan then proceeded to say, that it appearing by the Law aforesaid, that the eldest Counsellor, with any four more of the said Counsellors, being appointed a Quorem, and invested with the Powers & authorities therein mentioned, he could not but very seriously consider the great Burthen which hereby would more immediately fall upon himself, and that by Reason of his Lameness and Residence in the Country, it would in many respects be exceedingly inconvenient for him, Yet as he had been long & intimately conversant in the Affairs of this Province, whose Interest and Service he had on all Occasions endeavoured to the best of his Power to promote, he would not decline acting in his present Station, unless the Board should, on due Consideration, think any other Member more proper, in which Case he would readily acquiesce in their Sentiments.

Hereupon the Members severally declaring their Opinion of Mr. Logan's good Qualifications for the Discharge of the Trust, which by his Rank at this Board is now incumbent on him, requested that he would proceed therein accordingly as President of this Board.

The President then proposed, as the first Step necessary to be taken, that a Proclamation, notifying the Death of the Governor, & for continuing all Officers in their respective Offices till further Orders, should be issued; which is accordingly ordered to be prepared by the Secretary, to be laid before this Board at three in the afternoon, to which time it is adjourn'd.

—

P. M. Present.

The Honble JAMES LOGAN, Esquire, President.

And the same Members as in the forenoon.

A Draught of the Proclamation, directed by the preceeding Minute being laid before the Board, was with some Alterations agreed to, and it is Ordered that the same be forthwith engross'd & sealed, in order to be published to morrow with proper Solemnity at the Court-house of this City, and that Copies thereof be sent into the Counties of Bucks, Chester and Lancaster, with Directions to the respective Sherifs to cause the same to be published there in these Words:

"By the Honble James Logan Esquire President, and the Council of the Province of Pennsylvania.

"A PROCLAMATION.

"Whereas it hath pleased Almighty God to remove by Death the Honourable Patrick Gordon, Esquire, late Lieutenant Governor of this Province, Whereby the Exercise of the Powers of Government, by virtue of an Act of Assembly passed in the tenth year of the

Reign of the late Queen Ann is devolved on and lodged in Us. We have therefore thought fitt to Publish and Declare, that all Persons whatsoever, who held or enjoyed any Office of Trust or Profit in this Government, by virtue of any Commissions in force at the time of the said Governor's Decease, shall continue to Hold & Enjoy the same, untill they shall be determined by us, or some other sufficient Authority; And we do hereby Command & Require all Judges, Justices, & other Officers whatsoever, in whom any Publick Trust is reposed in this Government, that they diligently proceed in the Performance & Discharge of their respective Duties therein, for the Safety, Peace, & well being of the same.

"Given in Council under the Great Seal of the said Province at Philadelphia, the fifth day of August, 1736, in the tenth year of the Reign of Our Sovereign Lord George the Second, by the Grace of God of Great Britain, France, & Ireland, King, Defender of the Faith, and so forth.

"JAMES LOGAN.

"GOD SAVE THE KING."

The Act of the 10th Queen Anne, directing that the President or first named Member of Council, that shall succeed at the time of the Death or absence of a Governor, shall give due Notice thereof, by the first Opportunity, to one of the Secretaries of State of Great Britain, & to the Board of Trade & Plantations, & also to the Governor in Chief of this Province. It was recommended to the President to give these Notices in Britain accordingly: And as one of our Honble Proprietors & Governors in Chief is now residing in this Province, it was moved & agreed to, that the Notice to him, with an account of the Proceedings of the Board, in pursuance of the Act aforesaid, should be signified by some of the Members; And Mr. Lawrence & Mr. Griffitts were named for that Purpose, who having waited on the Proprietary, return & report, that they had delivered what they had in Command to say, and that the Proprietary was pleased to express his Satisfaction with the Proceedings of this Board.

It is further Ordered, that the President, without calling on the other Members, sign all such Publick Instruments & Papers as are to pass of Course.

At a Council held at Philadia., Augt the 11th, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell,
Thomas Lawrence, Thomas Griffitts,
Ralph Assheton, Charles Read,
} Esquires.

The Minutes of the two preceeding Councils being read & approved

The President acquainted the Board that having returned last night from Newcastle, he understood that the House of Representatives of this Province had met on Monday the 9th instant, pursuant to their Adjournment, but being in Expectation of hearing from this Board, they had adjourned over to this Day, without entering on any business; that it being necessary to speak to them on the present occasion, he had prepared a Draught of a Speech to be considered of by this Board, which being read was unanimously approved; And Mess^{rs} Assheton and Griffitts were sent to the House to lett them know that the Council being now mett at the Presidents, desired to speak with the House. These Gentlemen being returned, report they delivered the said Message, and had received answer from the Speaker that the House would forthwith meet the President and Council.

And accordingly the House, with their Speaker attending, the President spoke to them as follows:

"Gentlemen:

"It cannot, we are persuaded, but deeply affect you to find at this, your convening in Assembly, in Pursuance of your last adjournment, that instead of meeting that worthy Gentleman, our late Governor, at the Head of this Board, you now see only the Council with a President. It has pleased the Almighty, on whom all our Lives depend, to take him from us and from the Cares of this Life, and those who were Witnesses, as our Assemblies generally have been, of his constant Inclinations to promote the Welfare of the Publick, with a just Discharge of his Duty to the King and our Proprietors, and a due Regard to the People's Rights, cannot but the more deeply regret our Loss.

"The administration of the Government being by this Change, by Virtue of an Act passed in the 10th & 11th years of Queen Anne, and confirmed by her said Majesty in Council, now devolved on this Board, We, on the fifth instant, the day of the Governor's Decease, accordingly mett, and taking the Charge upon us published our Proclamation for the continuing of all Magistrates and Officers, requiring them to proceed with Diligence in the Discharge of their respective Duties & Trusts, from whence there can be no Deficiency in the Administration of Justice: The Assembly, by our happy Constitution, are inherently in themselves vested with the same Rights in all Respects as before, Legislation only excepted; Nor in this, probably, shall we find any considerable Inconveniency, since it may rationally be hoped that during the Interval till another appointment can be made, there may not arise any Emergency requiring a further immediate Provision. It has been the Sense of all those who have more closely and justly considered the Nature of Government, that the most desirable advantages of it arise not from

multiplying of Laws, but from a strict Observance & due Execution of good and wholesome Ones in Force. You, Gentlemen, represent the whole Body of the Freemen of the Province, who are the principal Objects to be considered in Government, and as your House subsists throughout the year, it may be as convenient for you to meet from time to time on your Adjournments as before, for thus you will have Opportunities of consulting and advising of what may best contribute to the Publick Weal; And you will always find this Board, in whom the Powers of the Administration are lodged, most ready and willing to concur with and put such Advice in Execution. We have also the further great Advantage of the Presence of One of our Honourable Proprietors amongst us, who, as the true Interest of his Family is inseperable from that of the People, cannot but be always acted by the warmest Inclinations to advance the general Good of the Whole.

"As to my self, on whom the Burthen of the Administration falls the heaviest, tho' it truly gives me no small Uneasiness, that I am hereby called from the quiet Retirement I had proposed in these advanced years of my Life, yet as I have ever been animated with a most sincere Zeal for the Honour & true Interest of this Province, I shall submit to the Necessity, and to the best of my Ability, with the Assistance of the Gentlemen my Brethern of this Board, endeavour to acquit my self in all Things with Fidelity to His Majesty and to our Proprietors, and with a just and due Regard to the People.

"And as nothing contributes more directly to the Honour and Prosperity of any Government than a perfect unanimity amongst all the Parts of it, We shall hope that, in a sincere View to the Common Good, all proper Measures & Endeavours will, on every Hand, be used to promote and improve the same."

At a Council held at Philadia., Augt. the 13th, 1736.

PRESENT:

The Honble JAMES LOGAN, Esq., President.

Samuel Preston,	Ralph Assheton,	Esquires.
Anthony Palmer,	Samuel Hasell,	
Clement Plumsted,	Thomas Griffitts,	
Thomas Laurence,	Charles Read,	

The Address of the House of Representatives, in answer to the Speech of yesterday, was laid before the Board by the President, and is in these Words:

"To the President and Council of the Province of Pennsylvania:

"The Address of the Representatives of the Freemen of the said

Province in Assembly met, in answer to the Speech of the said President and Council.

"May it please the President & Council:

"The Death of the worthy Gentleman, Our late Governor, sensibly affects us: The Inclinations he has shown to promote the Welfare of the Publick, with a due Discharge of his Duty to the King and to our Proprietors, and a Regard to the Rights and Liberties of the People of this Province, gives us just Cause to regret our Loss.

"The Administration of Government by this change, and the Laws of the Province, devolving on the President & Council, the Steps they have been pleased to take in pursuance of those Laws for the Continuance of Magistrates and other Officers in their several Stations, and preventing a Deficiency in the Administration of Justice, is Matter of Satisfaction to us, as it needs must be to every other Well-wisher to our Happy Constitution.

"To multiply Laws, unless the Circumstances of Government require it, we agree, cannot be productive of the most desirable Advantages of it; but the infant State of the Colonies in America often require the aid of the Legislature in making of new or amending of old Laws. And tho' we were disappointed last Session in obtaining the Bills we prepared to be pass'd into Laws, yet we hope a prudent Administration of Justice in our Courts of Law may prevent any great Inconveniency until another Appointment of a Governor shall be made.

"In the mean time, if any Advice or Assistance of ours during our Continuance, shall be necessary in respect to the putting in Execution the Laws now in Force, or to any other Thing which may relate to the public Weal, we shall always be ready to contribute what lies in our Power to so good Purposes. The Declaration you are pleased to make of your Readiness to concur with and put such advice in Execution, Merits our acknowledgement, and we esteem it an Instance of the Regard you have for the Welfare of the Province.

"The Presence of one of our Proprietors amongst us was formerly much desired, and is now happily enjoyed. The Interest of that Honourable Family and ours are undoubtedly Inseparable, and therefore we have just Reason to hope their warmest Inclinations will be joined with Ours to promote the common Benefit.

"To be called from Quiet & Retirement in an advanced age of life to undergo the Fatigue and Burthen of Government, may give the President some uneasiness; yet the advantages that may result to the People of this Province, by having one at the Head of the Administratiion of long and great Experience, animated with a sincere Zeal for their true Honour and Interest, will, we hope, induce him to pursue the laudable Purposes he has proposed, and

with the assistance of the Gentlemen of the Council to acquit himself of the Trust reposed in him, with Fidelity to the King & to the Proprietors, & with a just Regard to the People of this Province; and as it our Duty, while we have the Honour to be a House, so we hope it will be the Care of the succeeding Assemblies by a becoming Unanimity, and with a sincere View to the Publick Good, to do what may contribute to the Happiness & Prosperity of the People of Pennsylvania.

"Signed by Order of the House,
"A. HAMILTON, Speaker."

To which Address the Board directed that an Answer in writing should be sent down by the Secretary in these Words:

"From the President and Council of Pennsylvania to the House of Representatives.

"Gentlemen:

"We heartily thank you for your kind Address, and as we have a full Dependence on, and are satisfied in, your Declarations, so you may be assured, that while we are concerned, nothing in our Power shall be wanting that may contribute to advance the true Interest of Pennsylvania.

"JAMES LOGAN."

August 20th 1736.

Sassoonan or Allummapees, the Delaware Chief, with Peasquitoman, Lappapeton, Onytamuchon, & Tolales, Delaware Indians, John Haus, a Cayooge, Cousin to Capt. Civility, & Teshansomen, a Tuscarore, with several young Men, Women, & Children, to the Number of twenty-five in the whole, coming to town on a visit to this Government, this day was appointed for hearing what they had to offer, and

At a Council then held.

PRESENT:

The Honble THOMAS PENN, Esqr., Proprietary.

The President.

Samuel Preston,	Thomas Griffitts,	} Esqrs.
Clement Plumsted,	Charles Read,	

And Sassoonan with the above-named Indians.

The Proprietor by Peter Bizallion, Interpreter, told them, that he & the Council who are always well *pleased to see* their Brethren the

Indians, & particularly their old friend Sassoonan, are now mett to hear what they have to say.

Sassoonan, by the Interpreter & Peasquitoman, said That they were not come on any particular Business, or to treat about any thing of Importance, but only to pay a friendly visit to their Brethren, whose Welfare they think themselves obliged to enquire after, as they & the Indians are one People.

That when they came from home, they expected to have seen here their good friends, the Proprietor, the Governor, and the Council all together, but when they had come so farr on their Journey as George Boones, they heard that one of their good Friends the Governor was Dead; this News made them sorrowful, but they are comforted in meeting their other friends, who they hope will still continue their Regard towards the Indians, & their Care & Concern for preserving the same friendship that has hitherto subsisted between us and them.

Then presenting two small strings of Wampum, He desired that our Tears on account of that loss may be wiped away, and that we may not longer be sorrowfull, but that the Sun may again shine out to dispell the Clouds, & our Hearts grow chearfull.

The Cayoogoe Indian, presenting two other small strings of Wampum said, that some of the six Nations had been lately at Shamokin, & had enquired kindly touching their Brethren here, towards whom they shewed much Love and Friendship.

Sassoonan afterwards presenting a Belt of Wampum of ten Rows, said, that as the Minds of Men were apt to be discomposed by Sorrow, he now gave this Belt with their earnest desire that our Minds should return to the same Frame & Composure as formerly, and that by eating and drinking we should endeavour to forget our Grief.

That this is the whole of what they have to say.

In answer to which they were told thus:

Sassoonan is an old Man, he must remember that there have been many Treaties between this Government and the Indians, that the Chain of Friendship has been often brightened & strengthned. Our Treaties have been faithfully kept on our part, they have likewise been carefully observed on the part of the Indians, and we hope they will always continue firm and lasting.

That these Treaties were first begun by Will^m^ Penn, their father, who, on his coming into this Country, received the Indians kindly, & treated them as his Children & Friends, that, on his leaving this Country, he appointed a Governor in his Room, who by his Order continued to observe the same method he had done in receiving & treating all the Indians; that several other Governors have been here, all of whom acted under the authority & by the Appointment of Will^m^ Penn's family; that the late Governor was a good Man, and did always what he believed was agreeable to

Will^m Penn's family; he was an ancient Man, & is now gone, for whose Death we are all sorry; but the Indians are still to consider that it is with Will^m Penn's family that they are to treat, & one of his Sons is now here present. One Governor is appointed, & is either removed by Death, or succeeded by another, but Will^m Penn & his family are always the Governor's-in-chief, with whom the Indians have principally to do.

He was then asked what he knew of the six Nations.

He answered, he knew nothing particularly of them, that he has been in Expectation of seeing them for each of these three years past, but he understands they have been detained by Nations that come to treat with them; first one Nation comes & treats with them, & when they have finished, & the six Nations are ready to sett out hither, another Nation comes to treat with them, & thus they have been prevented from coming here, but he expects they will be with us next Spring.

That he heard this Spring a great Number of Indians from the Winter Country were come amongst the six Nations, who not knowing them or their Dispositions, had kept together, & were resolved not to leave home, till they knew further the Intentions of those Indians, who are said never to have seen white People, Corn, or Bread.

The Indians being withdrawn,

It was considered by the Board, that by the several Treaties subsisting between this Government and the Indians, they had been encouraged to come and visit us, for improving and strengthning the friendship and good understanding, which by the Care of our first Honble Founder was happily begun, & has since without any Breach or Interruption been carefully preserved on both sides; That the present Visit being made on the foot of these Treaties, and the Death of the Governor (an Event which they could not have learn't when they set out from home), having furnished them with an Opportunity of paying their Compliments of Condolance on that occasion, it is necessary on the part of this Government, that proper Notice should be taken of them, & Return made to the Belt & Strings of Wampum they have now delivered.

Whereupon It is Ordered that goods suitable and necessary for them, not exceeding the value of Twenty Pounds, should be given them, and the Charges of their Entertainments defrayed; both which are Recommended to the Provincial Treasurer.

August 21st.

The Present for the Indians being provided, they were sent for, to whom the President with the Treasurer spoke as follows:

"You were told yesterday by the Proprietor & Council, that as

you came to visit us on the foot of our former Treaties with you, to cultivate or strengthen the friendship that has always subsisted between us, & to brighten the Chain that has ever hitherto been kept spotless, we were well pleased to see you, & shall always be so when your good old Men and grave sober People come to visit us, and in return to what you have said, this Present is ordered to be delivered to you in behalf of the Government; that is,—

Four Strowds,	One dozen Tobacco tongs,
Four Blankets,	One dozen Knives,
Four Duffels,	Tobacco & Pipes,
Four Shirts,	One hundred wt. of Bread,
Twenty pounds of Powder,	Five Gallons of Rum.
Fifty pounds of Lead,	

"And the Proprietor, with whom you are now going to dine, will take some further Care of our old friend Allummapees.

"We should have been very well pleased to have seen our Brethren of the Six Nations here at this time, as they promised last year, & since they come not, we could have wished at least that they had sent us some Message to acquaint us with the Reasons of their Stay; when you have an Opportunity of sending to them, you are desired to acquaint them with what we now say, & if at any time you hear from them or receive any Message from them relating to this Government, we desire that Conrad Weyser, who is the Interpreter between those Nations and us, may be acquainted with it."

This the Indians undertook to do, & having expressed their Thankfullness for the Present given them, they took Leave.

At a Council held at Philadia., August 24th, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston,	Samuel Hassell,	Esquires.
Clement Plumsted,	Thomas Griffitts,	
Thomas Laurence,	Charles Read,	
Ralph Assheton,		

The President acquainted the Board that he had last week been informed by Samuel Blunston, of Lancaster County, now in Town, that the Dutch People or Germans, who, with others going over from this side of Sasquehanna River to the West of it, had been prevailed on by some Agents from Maryland to acknowledge the Authority of that Province: had thro' a Consciousness of their Mistake, voluntarily and unanimously signified to him and other Magistrates of that County their fixed Resolution of returning to their Obedience to this Government, & acknowledging its just Ju-

risdiction in those parts where they are settled, for that they were become truly Sensible they of Right belonged to Pennsylvania: And as this is an Affair of some Importance, the Board are desired to consider what Measures may be most proper to take therein.

Mr. Blunston, who brought this Advice, being in town, was sent for, and desired to give as particular an account as he was able of the whole Proceedings in this Affair, that the Board may be the better able to judge of it, and he related it to this Effect:

That last Spring & this Summer divers Persons, passing over from the west side of Sasquehannah by the Ferry near his house, had mentioned to him the great Uneasiness of those People on the other side, for that they were sensible they had been in the wrong, in being prevailed on by the Promises made them from Maryland to own the Right of that Government to those Lands on which they were seated, but that they were ignorant People, had been seduced, & now being sensible of it, were desirous to return to & live under our Proprietor, who alone they believed could truly be their Landlord. That he (Mr. Blunston) hald told them it was strange they could not see this at first, they had certainly been in the Wrong, but they had embarrassed themselves, & might probably on any such attempt meet with Trouble from the Government of Maryland, & therefore they ought to be very cautious, for unless this was the Mind of the whole Bulk of the Inhabitants, and they were unanimous in it, they could have no security, That immediately after the County Court of Lancaster, which was held the first week of this Month, some of the most principal Note amongst those Germans came over to him, as he understood, on Purpose, & told him, the whole Body of the People, except Cressap & his Relations, who were but three or four Men, were come to an unanimous Resolution of acknowledging their Obedience to this Government, & of returning to their true Proprietors, whom by Delusions & Artifices they had unjustly forsaken, if they could have any Hopes given them of being received and allowed to live under Pennsylv^a^ to which they were now convinced they only could in their Situation belong, That he told them since it was their Ignorance, and the false Informations of others, and not Malice by which they had been misled, they need not doubt but they would be received & treated as the other Inhabitants, but if he might advise them it should be to act openly and above board, and that if they were thus resolved, they should directly and in plain terms make it known to the Government of Maryland with their Reasons for their proceedings. That hereupon a Letter was prepared for this Purpose, which since his coming to town he had learnt was signed by about sixty hands, and dispatched to an Officer in Baltimore County to be forwarded to the Governor of Maryland. That one Mark Evans from the County of Bucks, who had gone over to that side, having accepted of a Commission of the Peace from Maryland, had for many months past resolved to throw it up, and had sent it with that Letter. That at the Desire of those Ger-

mans, the Magistrates of Lancaster had appointed two Consta amongst them for the better Preservation of the Peace, that by advice brought him hither he understands that those four Men adhere to Cressap had one evening seized Charles Jones one of two appointed Constables, & were hurrying him away with an In tion 'tis supposed to carry him into Maryland, but being war pursued they had fled and left him. That he Mr. Blunston within this half hour received a Letter from one of the Magistr of Lancaster, confirming that account of Charles Jones being ta and pursued; that it was given out there that the Sherif of B more County was to be up with a Number of Men on Monday terday) & that our Sherif of Lancaster had just then apprized Magistrate of some other Motions on the west of the Sasqueh nah, & was taking Horse to meet him to concert proper Meas on the Occasion: This Mr. Blunston said was the Substance of w he could inform and then he withdrew.

The Board taking the whole into Consideration are of Opin that those People, becoming sensible of their past Mistake, in be seduced to own the Authority of Maryland over those parts, wh lye so very far, viz., about twenty Miles to the Northward of the L its this Province had from its first Settlement been possessed of, not much less Northerly of the Bounds agreed on by the late a cles which are still in Force, ought to be taken Notice of, and their making proper Submissions should be again received, & th Commission of the Peace should be issued to such Person amor them as should be thought most capable of executing the sa Also that the President should write to the Magistrates, Sheri other Officers of Lancaster County, diligently to preserve the Pe & to prevent Riots in the said County, & to apprehend & secure such as should be guilty of any, in order to their being procee against according to Law.

And a Commission of the Peace was filled up with Mark Eva Name, & being signed at the Board, It is Ordered that the sam sealed & delivered to Mr. Blunston, to be made use of, or otl wise, as he shall see Occasion.

At the Court house of Philadelphia, September 1st, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Clement Plumsted, Samuel Hasell, } Esquires
Thomas Laurence, Charles Read, }

William Allen, Esqr., Mayor of Philadelphia, and Derick Jans Esqr., one of the Justices of Philadelphia County.

One hundred fifty one Foreigners from the Palatinate & ot

Places, who, with their Families, making in all three hundred eighty-eight Persons, were imported here in the Ship Harle, of London, Ralph Harle, Master, from Rotterdam, but last from Cowes, as by Clearance thence, were this day Qualified as usual, whose Names are as follows:

Frans Hackert,
Johannes Van Laaschet,
Johannes Petrus Van Laaschet,
Christian Van Laaschet,
Johannes Kirkt,
Johan Philip Wick,
Johan Philip Wergonner,
Abraham Tegast,
Johannes Hannewald,
Johannes Lorentz,
Abraham Tirgartz,
Jacob Kemlie,
Johan Valentine Fokt,
Johan Mathias Fokt,
Johan Daniel Braunn,
Johan Michael Crowel,
George Nicolas Sysloof,
Johan Baltzer Sysloof,
Yorig Sysloof,
Wilhelm Hetterling,
Daniel Nargar,
Johan Peter Nargar,
Nicolas Traber,
Michael Dom,
Johan Christopher Treber,
Carl Kern,
Nicolas Rebell,
Johan Jorig Jaky,
Jacob Amandus,
Andreas Yokam,
Leonhart Cranbach,
Emcent Shadlin,
Jacob Hofstedler,
Jacob Eyser,
Johannes Rubell,
Friedrick Bregell,
Jacob Jeyser,
Aaron Cook,
Friedrick Minhart,
Rudolph Hackmann,
Jacob Fellman,
Jacob Sonday,
Cornelius Weygandt,
Johannes Schnieder,
Johannes Zacharias,
Nicolas Melchior,
Baltzer Stephanns,
Johan Lutwig Wyker,
Johan Henrich Brunner,
Abraham Appler,
Johan Jorig Basil,
Ludwig Camerer,
Johannes Michael Weygall,
Laborious Merschottz,
Christian Schricak,
Conrad Frankberger,
Johannes Brosinger,
Daniel Meyer,
Johannes Rossman,
Johannes Hess,
Christof Windematt,
Paulus Brunner,
Johan Jorig Vanbott,
Johannes Jorig Shirtler,
Johannes Conrad Grim,
Christian Landes,
Michael Linder,
Thomas Hummel,
Andreas Gross,
Johan Adam Shans,
Leonhart Yeager,
Zacharias Sekler,
Johan Valentine Schere,
Peter Roop,
Michael Noll,
Isaac Adolph Delb,
Johan Jacob Christler,
Johannes Mayer,
Nicolas Anger,
Casper Meyer,
Lutwig Meyer,
Christian Stukly,
Casper Stelling,
Johan Jacob Nuss,
Dewalt Beyer,
Hans Conrats Bab,

Abraham Snider,
Nicolas Lang,
Adam Boher,
Ludwig Lay,
Christian Erb,
Johan Jorig Wintermont,
Peter Heironimous,
Peter Rentsh,
Hans Melchior Byer,
Andreas Nargang,
Johannes Butler,
Clemens Stout Ceeker,
Mathias Speck,
Derrick Mart,
Hans Jacob Woyl,
Johan Wilhelm Speck,
Peter Stoutbecker,
Henrich Garhart,
Andreas Brimm,
Johan Jacob Tonaspeck,
Andreas Haillman,
Johan Mathias Brouch,
Hans Peter Fegelin,
Hans Jorig Mien,
Johannes Rotroke,
Johan Jacob Paalt,
Johan Jacob Zyderman,
Nicolas Post,
Henrich Dubbs,
Andreas Cratz,
Jacob Libhart,
Valentine Noy,
Johannes Brunb,
Matthias Dick,
Henrich Wolgamot,
Abraham Wolgamot,
Joseph Wolgamot,
Jorig Adam Warner,
Christian Suder,
Johannes Gerber,
Jonadan Heger,
Matthias Reser,
Jacob Cuntz,
Jacob Hollinger,
Jacob Ledtreman,
Jacob Kochnour,
Herman Crott,
Johan Philip Mentz,
Henrich Wydebach,
Casper Coppersmidt,
Johannes Frankeberger,
Andreas Frank,
Adam Vampull,
Hans Jorig Hantwerg,
Johannes Fuchs,
Godfriedt Grill,
Johan Adam Honanschell,
Johan Peter Vampull,
Jorig Mich Freidrich,
Johan Albrecht Sigle,
Johan Peter Marstiller,
Johan Jorig Lonarb,
Christopher Rudolph.

At a Council held at Philadia., September 7th, 1736.

PRESENT:

Honble JAMES LOGAN, Esqr., President.

Clement Plumsted, Samuel Hasell, Thomas Laurence, Thomas Griffitts, Ralph Assheton. } Esquires.

The President laid before the Board a Letter he received last night from the Lieut. Governor of Maryland which being read in these Words:

"Sir:—This trouble is occasioned by the Inclosed, the Original whereof came to my hands a few days agoe, subscribed with the Names of fifty or sixty Persons, who some years since importuned me for the Grant of Lands under the authority & Government of the Lord

Proprietary of Maryland; they were so successfull in their applications, that I directed & empowered them to settle & improve the Lands under the Government of this Province, and which they have from that Time held and enjoyed subject to his Lordships Dominion & authority: But now they seem to think fitt, and resolve, by a most extraordinary kind of illegal Combination or Association, to disown their obedience to the Government from whom they received their possessions, and to transfer it to the Government of Pennsylvania.

"Whatever reasons I may have to be assured of this Proceeding taking its Rise and Accomplishment from the Encouragement & Prevalency of some Magistrates of your Government, & Others pretending to act under the Countenance & authority thereof; yet I must own my Unwillingness to believe those who have the honour of the Administration of the Government of Pensilvania, would permit or support a Behaviour so contrary to all good Order & Rule of the English Constitution; as must necessarily involve the Subjects of his Majesty in Struggles & Contentions, inconsistent with that Peace & Happiness his Majesty so gloriously endeavours to maintain & preserve amongst Others, as well as his Subjects.

"As I must frankly acknowledge, that I think it my indispensable Duty to take the most proper Measures to make such of these Violators of the Peace of this Government in particular, and the Good Rules and Orders of Society in General, who continue on the Possessions they received from this Government, sensible of the Injustice of this unwarantable attempt, so I rest assured of receiving from your Government all the Assistance necessary for that Purpose against such who may vainly imagine to shelter themselves under your Protection. I am,

"Sir,

"Your most Obedient humble Servant,

"SAM. OGLE.

"Annapolis, 31st August, 1736."

"To the President of the Council of Pensilvania, or Commander-in-Chief there, Philadelphia."

The Paper transmitted with the said Letter & referred to therein, is as follows:

Lancaster County, in Pensilvania.

"Sir:—The Oppression & ill Usage We have met with from the Government of Maryland, or at least from such Persons who have been impowered thereby and their Proceedings connived at, has been a treatment (as We are well informed) very different from that which the Tenants of you Government have generally met with, which, with many other cogent Reasons, give us good Cause to conclude the Governor & Magistrates of that Province do not themselves believe us to be settled within the reall bounds of his

Lordship's Dominions, but We have been seduced and made use of, first by fair promises & afterwards by threats and punishments, to answer purposes which are at present unjustifiable, and will if pursued tend to our Utter Ruin.

"We, therefore, the subscribers, with many Others, Our Neighbors, being become at last truely sensible of the wrong We have done the Proprietors of Pensilvania in settling on their Lands without paying Obedience to their Government, do resolve to return to Our Duty, and live under the Laws & Government of Pensilvania, in which Province We believe Ourselves seated.

"To this We unanimously resolve to adhere, 'till the Contrary shall be determined by a Legal Decision of the disputed Bounds, and our honest & just Intentions We desire may be communicated to the Governor of Maryland, or whom else it may concern.

"Signed with Our own hands this Eleventh day of August, Anno Dom., 1736."

Then was read the examination of one Francis Kipps, taken here on Saturday the fourth instant, before two of His Majesty's Justices, in these Words:

"Francis Kipps, of Maryland, Master of the Sloop Batchelor's Hall, now lying in Sasquehannah River, aged about thirty-eight years, being examined upon Oath before Clem't Plumsted & Charles Read, Esqrs., two of His Majesty's Justices, saith,

"That on thursday last, the second instant, in the evening, this Examinant, being on his private business in Baltimore County, he saw Colonel Hall, a Gentleman of that County, at the head of a considerable Number of Men (but how many this Examinant cannot say) on Horseback, armed with Guns, marching towards the upper part of the said County, that this Examt. passing near to Col. Hall, asked him familiarly if he was going to fight, to wch. Mr. Hall answered he was going on peaceable terms: That this Examt. crossing Sasquehannah near North East Iron works, came the same evening into Cecil County, where he understood by common Report, that the March of these Men under Col. Hall was to give Possession to one Cressap of a Plantation of one Wright, that if the same could not be done peaceably they were to use Force: That this Examt. heard the Militia of Cecil County was summoned to meet together.

"Taken before Us at Philadia., Sept. 4th, 1736.

FRA. KIPPS.

"Clemt. Plumsted,
"Charles Read."

Upon all which the President desiring the advice of this Board, and the matter being duely considered, The Board are of Opinion, that a proper Answer cannot be given to the Lieut. Governor of Maryland until the Proceedings in Lancaster County are more fully and clearly known.

At a Council held at Philadia., September 8th, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Clement Plumstead,	Samuel Hasell,	} Esqrs.
Thomas Laurence,	Thomas Griffitts,	
Ralph Assheton,	Charles Read,	

The meeting of the Board at this time being to consider of the Draught of an answer to Governor Ogle, and it having been the Opinion of most of the Members at the preceeding Council, that some accounts from Lancaster were necessary to be had before that Answer could be fully completed, the President laid before the Board a Letter he had but an hour since received, dated the seventh instant, & wrote by Direction of Mr. Blunston, who was so much engaged in attending the Affairs then transacting on the west side of Sasquehannah, as not to be able to write himself, which Letter gives the following Account:

That after the Sherif of Lancaster, and some People with him, who were gathered together on the Report that an armed force from Maryland was coming up into those parts, had waited some time and were dispersed, the Sherif of Baltimore County, with upwards of two hundred Men, under the Command of several military Officers, arrived on Saturday night last, the fourth of this Month, at Thomas Cressap's, and on Sunday, about noon, came in arms on Horseback, with Beat of Drum & Sound of Trumpet, to the Plantation of John Hendrick's; that the said Sherif of Baltimore, and several of those Officers, went that afternoon to the House of John Wright, Junr., where about thirty Inhabitants of Lancaster were assembled, & demanded the Dutch, of whom some were then in that House, that the Sherif of Lancaster had sent a written Message, desiring to know the Reason of their coming in that hostile manner, to threaten the Peace of the Province, to which they had returned answer, that they were not come to disturb the Peace of the Province of Pennsylvania, but to suppress Riots, & keep the Peace of Baltimore County; That Justice Guest, one of the Number from Maryland, appointed ten a'clock next day to speak with some of our People, but about five a'clock on Sunday evening, the Multitude from Maryland left Hendrick's with great Precipitation, & returned to Cressap's; That on Monday the Sherif of Lancaster sent another Message in writing, requiring them peaceably to depart, and offering, if any of them would meet the Magistrates of the County, with some Other Persons who were on this Occasion assembled with him, & endeavour amicably to settle the unhappy Differences at present subsisting, that they should be received civilly; to this Message the Sherif of Lancaster had returned a threatening and insolent answer; that soon after this, one John Wilkin, an Inhabitant of Lancaster County, who had gone down towards Cressap's, was taken Prisoner,

on pretence of his having been in a former Riot, and sent under a Guard to Maryland; that the Magistrates of Lancaster sent a letter to reclaim him, but they refused to receive the Letter; that it was reported the Governor of Maryland was waiting in Baltimore County, & was expected up in those parts on Susquehannah with considerably more Force; That the Sherif of Lancaster had gott about a hundred & fifty People together at John Wright's, Junr., where they have continued since Sunday evening, that no Hostilities had been yet committed, except in taking Wilkins, but that the Marylanders had sent Word to our People to take Care of their Buffs; that the Inhabitants, tho' unprovided with arms & Amunition, yet endeavoured to defend themselves & such of His Majesties Peaceable Subjects as fled from their Houses to them for Refuge.

With the Letter aforesaid was transmitted the following Petition, Signed by forty-eight Germans:

"To The Honourable James Logan, Esqr., President, and the Council of the Province of Pennsylvania,

"The Petition of Most of the Inhabitants on the west side of Susquehannah River, Opposite to Hempfield, in the County of Lancaster,

"Humbly Sheweth,

"That your Petitioners, two or three years past (Being many of us then newly arrived in America), & altogether Strangers to the Boundaries of the two Boundaries of Pennsylvania & Maryland, were, by many plausable pretences and fair promises, perswaded to settle under the Government of the Latter, Supposing from what we were then told that these Lands were within that Province, and that the River Sasquehannah was the Division; But, after we were Seated, finding the usage we received was very Different from that to the rest of the Government, and what small substance we had was made a prey to some Persons Impowered by them; And, tho' we Often made known our Cause of Complaint, could have no Redress, Nor the Promises which had been first made us, in the Least Regarded—Being also lately told by some in Power there, that we were worse than Negroes, for that we had no Master, nor were under the protection of any Laws, and since Informed by them that the River Sasquehannah Could not be the bounds, as we had at first been told, but that an East and West Line would Divide the Provinces; and also observing that the People on the East Side of the said River, Inhabitants of Pennsylvania, who live much more to the Southward than we do, Enjoy'd their Possessions peaceably, without any Disturbance or Claim from the Province of Maryland: Wee, from these Reasons, Concluded we had been Imposed upon, & Deluded to Answer some purposes of the Government of Maryland, which are not Justifiable, and might in the End tend to Our Ruin, and that we were not Settled within the true & Real Bounds of that Province, as we had been made to Believe; And from a

Sense thereof, and of the wrong we were doing to the Proprietors of Pennsylvania, in living on their Lands (as we now conceive we are) without paying the Acknowledgements due to them for the same, and in Denying Obedience to the Laws of your Government, Unanimously Resolved, to Return to our Duty. Your Humble Petitioners therefore pray you would Impute our Late Errours to Our want of Better Information, and would be pleased to receive us under the Protection of your Laws and Government, To which, for the future, we promise all ffaithful Obedience & Submission; And in Granting this Our Humble Petition, your Petitioners, as in Duty Bound, shall Ever pray for your Health & Prosperity. Signed with Our Own Hands, & Dated the thirteenth day of August, One Thousand Seven Hundred & thirty-six."

The Board taking the letter & Petition aforesaid into their serious consideration, the following Draught of a Letter to the Justices & High Sherif of the County of Lancaster was prepared and agreed to:

"Gentlemen:

"The accounts we have this day received of the military & warlike Preparations of our Neighbours of Maryland, which are said to be intended against some of the Inhabitants of your County of Lancaster in this Province, cannot but very much surprize us, as such Proceedings must undoubtedly be construed a Levying of War against His Majesty's Subjects, & it being your indispensable Duty, by all proper means in your power, to prevent all Riots and Hostilities, & to preserve His Majesty's Peace in your County, you are to exert your utmost Endeavours for that End; but if you shall find the same like to prove ineffectual, we must observe to you that by the Laws of this Province, riotous & tumultuous Meetings being Subject to the same Punishments as in England, you are to cause the Proclamation, directed by the act of the 1st of the late King, to be made, in doing whereof, that you may proceed agreeably to the Directions of the said act, we send you herewith a Copy of the same; and if any Opposition should either be made to the reading of the Proclamation, or if they should think fitt to disregard it when read, you are to direct the Sherif to be ready with the Posse of the County to protect and defend His Majesty's Subjects, Inhabitants of the same, from all Insults or Outrages, taking special Care at the same time that you do not by any precipitant Step or fruitless Opposition to a superior Force expose the Lives of any of the King's Subjects. It is likewise incumbent on you, & you are not to omitt taking the most exact Notice and making the best Observations you can of all Proceedings herein, that a distinct and full account may be given of them & the names of the Persons that are most active in promoting & carrying on such Disturbances, that a proper application may be made thereupon to His Majesty, from whose Justice

& Goodness we may be assured of a suitable Redress to His injured subjects.

"Signed in behalf of the Council, by

"Your Loving Friend,

"JAMES LOGAN, *President.*"

And the answer to Governor Ogle, with the other matters relating thereto, are continued under Consideration.

At a Council held at Philadia., September 10th, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Clement Plumsted, Thomas Griffitts, } Esqrs.
Samuel Hasell, Charles Read, }

An account from the Justices of Lancaster County being late last night brought to town by Robert Barber & delivered to the President, was this day read at the Board in these words—

"To James Logan, Esqr., President, & the Council.

"Pursuant to the Directions from the President and Council, the papers which have past Between us & the Marylanders in their Late attempt upon this Province, are here ffaithfully transmitted with such Material Occurrances as have hapened since the last account dated the Seventh of this Instant was wrote.

"Upon Hearing the Sherif of Baltimore County with a Considerable force was Come up to Cressap's on Saturday night last, a Messenger was sent by us on Sunday to Enquire into the truth of the report, & Bring an account of their number, by whom, for his Security, we Sent the following Message signed by Our Sherif:

"Lancaster County:

"The Inhabitants of Pennsylvania are Informed that a Considerable Number of People out of the Province of Maryland are Come in a Hostile Manner to Conejohela to Disturb the Peace of this Province, and this Messenger is sent to Know the truth of the Report.

"SAML. SMITH, Sherr. of Lancast. County."

"The Messenger met them on the road, & delivering the above paper, return'd with an account that they were about three Hundred men well armed with Carbines, Pistols, & Cutlasses, & soon after they sent the following answer:

"From John Hendricks in Baltimore County, Maryland.

"Having Received a Note from you as Sherrif of the County of Lancast. in the Province of Pennsylvania, signifying that the inhabitants of the said County are Informed that a Considerable Number of People of this Province are Come in a Hostile Manner

to Conejohela to disturb the Peace of the Province of Pennsylvania, the truth of which report you Desire to know, I therefore acquaint you that the People of the Province of Maryland are not Come to disturb the Peace of the Province of Pennsylva. in any Manner whatsoever.

"WM. HAMMOND, Sherr. Balt. County.

"Sept. y^e^ 5th, 1736,

"To Mr. Saml. Smith, High Sherr.
of Lancaster County."

"When the Sherrif & his forces had Left John Hendrick's on Sunday Evening to Return to Cresaps, Col. Edwd. Hall Came to Our People at John Wrights. Dureing his stay the following paper was drawn up & signed & delivered to him to take down to the Sherrif whom he followed that Evening:

"From John Wright's, Junr., in Lancast. County, Pennsylvania.

"Gentlemen:

"By a Letter from us Directed to Mr. White, we thought our Reasons for adhering to the Government of Pennsylvania had been fully set forth, and we hoped it would have Given such Satisfaction that we should have met with no further Disturbance; but perceiving you are Come up with armed force, and that your Business is with us, we desire you would please to Comit what you have in Comand to writing, that we may better Consider thereof, and we shall return an answer with as much Expedition as the nature of the Case will admit. Signed for Our Selves & in behalf of as many of Our Neighbours as are here present.

"MICHEL TANNER,
"HENRY LIPHART,
"CHRISTN. CRAWL.

"Sept. the 5th, 1736.

"To Capt. Guest, or whom Elce it may Concern."

"To which they returned no answer.

"The Sherif of Baltimore, & some of the Officers, having appointed to meet Our Sherif & Magistrates at John Wright's, on Monday at ten a Clock, to Confer with them (and the Dutch with whom they said their Business was), and not sending any Answer to the above paper, nor coming According to Appointment, the follow paper was sent to them at Cressap's, on monday about noon:

"From John Wright's, Junr., Lancaster County, Pennsylvania.

"SR.:

"I received your Answer, Dated yesterday, from John Hendrick's, whereby you acquaint me that the People of your Province

are not come to disturb the peace of the Province of Pennsylvania in any Manner whatsoever. But notwithstanding what is there said, I am to Let you Know that coming & entering with force & arms, & in a warlike manner, with a Multitude of People upon the Lands & Plantations seated by, & in possession of His Majesty's Peaceable Subjects, of the Province of Pennsylvania, Is a a High Violation of the Peace of Our Sovereign Lord the King. Nevertheless, if you Have any thing to Offer in a Peaceable Manner, that may tend to settle the present Disturbances unhappily subsisting Between the inhabitants of the two Provinces, I am, with some of the Magistrates of the County, here ready to receive it. Otherwise I have it in Charge to Require you to Deliver up to me, Thomas Cressap, Daniel Low, John Low, & Edward Evans, as Incendiarys, Rioters, Authors, & Promoters of these troubles; And to Command you, and Every Other of you, In His Majesty's Name, to Depart about your Lawfull Ocassions from amongst the Peaceable Inhabitants of this Government.

"SAM'L SMITH, Sher. Lancast. County.

"Septr. the 6th, 1736.

"To Wm. Hammond,
High Sherif of Baltimore County."

"To which they returned the following Answer:

"From Capt. Thomas Cressap's, Baltimore County, Maryland,
Sept. 6th, 1736.

"Sr.:

"I again assure you that the People of Baltimore County, within this Province, are not come to disturb the peace of the Inhabitants of Pennsylvania; But to Assist & Support me in preserving his Lordship's Peace, & Our fellow Tenants, His Majesty's subjects, in their Possessions. And Inasmuch as we have not Attempted to Enter within the Bounds of the Province of Pennsylvania, there is no reason to Expect Our violating the Peace thereof, more Especially since on your first Application to me I had declared the same, the veracity whereof you have so ungenerously questioned.

"Had I any thing to Offer to the Inhabitants of Pennsylvania, you might Depend it shod be done in a peacable manner. But as my call here is on my Lawfull Business, & in the Execution of my Duty, Desire you will Give me no further trouble.

"Your Demand to Surrender any of his Lordship's Tennants, Inhabitants of this Province, having no Authority to Comply with, do disregard, and acquaint you that I will with the Utmost Resolution Defend their persons whilst in my Bailiwick, strictly Charge & Require you & all others whatsoever Riotously met & assembled within this County Imediately to Disperse. Otherwise you may

Expect I shal Discharge my Duty in Endeavoring to Bring such offenders to publick Justice:

"WM. HAMMOND, Sher. Balt. County.

"To Samuel Smith,
High Sherif of Lancaster County."

"After this no more papers past Between us, Except one from Michel Tanner for a pasport for himself & two of Our Company, who should Come with him (they having sent word by his Wife they desired to see him); they sent him a pass, but refused it for the Other, so on Tuesday Morning he went alone to them, & overtook them about six miles Back from the River, as they were plundering the Dutch people's houses, by taking out at the Windows Cloth & what they Could meet with, under pretence of publick Dues. They also threatened to Burn their houses, but did not after Michel Tanner had talked with them & told the reason of their Revolt, and that they would rather quit their places then live under such treatment, they Promis them, if they would return, a Remission of their Taxes til they were grown Better able to pay, & that they should be better used for the future, & Desired him to go with them to the Govr. or write to him, Both of which he refused. But he promised them to speak to his Country men if they would give him in writeing what favours they would Grant them, but they Refused, & said they would promise on Honor, and Michel Tanner telling them most of his Country men were Gone, he Could not Give them an answer in Less then two weeks; they agreed on that time & promised that none who sign'd the Letter sent to Mr. White should be molested in the Interim; But at the End thereof, if they did not Comply, the Govr. would Come up with a Greater number of arm'd men, turn them out of Doors, and Bring up Others with him, such as would be true to him, whom He would put into their possessions.

"Such was the Spirit & Courage of our Sherif & People, that had they Been provided with arms, they had without all doubt made most of these Invaders prisoners, but as they were not, they Could only stand on the Defencive, yet there was this Advantage by their Going Over, that they kept them from putting those who live under Our Government Out of possession, as they intended to have done, and Gain'd time for the Dutch, till the thing might be made known to you, & further instructions sent how they should act.

"I subscribe in behalf of my self & the Justices present.—The President & Councils assured ffrds.

"EDWARD SMOUT,
"ANDREW GALBREATH,
"DERRICK UPDEGRAFF,
"SA. BLUMSTON.

A Letter from Mr. Blunston to the Houble. the Proprietor touching the affairs on Sasquehannah, was likewise communicated to the Board.

Upon due Consideration hereof the following Letter was by Order of y^e^ Board Prepared and signed, to be transmitted to the Justices of the County of Lancaster:

"Gentlemen:

"We have received yours of the 8th instant, giving an Account of what passed between the Sherif of your County & those Officers of Maryland who have taken upon them to bring an armed Force into this Province, and as your Vigilence, Care, and Prudence, in preserving His Majesty's Peace in your County, protecting the Inhabitants in their just Rights & Possessions, and in preventing such Encounters, whereby the Lives of any of His Majesty's Subjects might have been exposed, deserve our Acknowledgments, we now return you our Thanks for the service you have thereby done to the Publick, recommending earnestly to you to pursue the same prudent measures, for reducing those parts of the Country to Peace and good Order.

"As to what you now further desire of us, we must acquaint you that we have this week received a Letter from the Governor of Maryland, on the Affair of those Dutch People, to which we could not give a proper Answer, till we had some certain Account of the Issue of this wild Expedition from Maryland; but that appearing to be now over, & the Multitude return'd home, we shall very soon dispatch by Express our Answer to that Gentleman, and as the Directions that will be transmitted to you must coincide & be of a peice therewith, we cannot send you the one till the other is finally concluded. In the mean time, you may lett these Dutch People know that the River Sasquehannah, dividing their Settlements from the thicker inhabited parts of the County, it is almost impracticable to keep up a large Force amongst them from this side, but they may be assured we will Speedily concert the most effectual & prudent Measures in our Power for their Safety; and as to the Encouragement they may expect with relation to the Clearness & Certainty of their Surveys, in which we hear they have been grossly abused by the pretended Officers of Maryland, & the Titles to their Possessions, we must referr them to what our Honble Proprietor will cause to be notified on this head, from which we doubt not but they will receive entire Satisfaction.

"Signed in behalf of the Council, by
"Your Loving Friend,
"JAMES LOGAN.

"To the Justices of His Majesty's Peace for the County of Lancaster."

And the further Consideration of these Affairs is adjourned till the next meeting of Council.

At a Council held a Philadia., Septe. 13th, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston,	Ralph Assheton,
Anthony Palmer,	Samuel Hasell,
Clement Plumsted,	Thomas Griffitts.

The Minutes of the several Councils since the fifth ultt. being read and approved,

The Consideration of the late Proceedings in the County of Lancaster, with every thing relating thereto that had been laid before this Board, was resumed, & the matter being fully spoke to by every Member present, It is the unanimous Opinion of the Board, that those Dutch People who are seated on Lands so many miles within the undoubted Bounds of this Province, be received under the Protection of this Government, & encouraged in their Fidelity to it by all proper & prudent measures; and that a Proclamation be prepared and issued setting forth the late Invasion from Maryland, in violation of His Majesty's Peace, & just Right of the Proprietors & People of this Province, to the great Terrour of the Inhabitants, directing the Sherifs of the respective Counties of this Province, & particularly of Lancaster where these late Commotions have hapened, to hold themselves in a Readiness with the Posse of their respective Counties, for the Preservation of His Majesty's Peace & the Defence of the just Rights & Possessions of His Subjects within the same; and that all People be obliged on the first Call of the Sherif to give their Attendance, & assist him in the necessary Discharge of his Duty.

An unfinished Draught of an Answer to Governor Ogle's Letter was laid before the Board by the President, & being considered & debated, the President is desired to compleat the same against the next meeting of Council.

An Application to the President, by Letter from the Attorney General, for Directions touching the time for the Prosecution of several Criminals, now standing committed to the Goal of this City & County for Capital Offences, being communicated to the Board, It was observed that the Office of Chief Justice cannot now be executed by the President, but the other two Justices of the Supream Court being by the Laws of this Province & their Commissions fully empowered to hold Courts of Oyer & Terminer & Goal Delivery, It is Ordered that they be putt in mind to proceed in the Delivery of the Goal of Philadelphia, at such time as they shall think most convenient.

At the Courthouse of Philadia., September 16th, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Thomas Laurence, Thomas Griffits, } Esqrs.
Ralph Assheton,
William Allen, Esqr., Mayor the City of Philadia.

One hundred and twelve Foreigners from the Palatinate, and other places, who, with their Families, making in all three hundred & thirty persons, were imported here in the ship Princess Augusta, Samuel Merchant, Master, from Rotterdam, but last from Cowes, as by Clearance thence, were this day Qualified as usual, whose Names are as follows:

Johan Gabriel Lamle,
Hans Jorig Bumgartner,
Hans Philip Flexer,
Jorig Meyer,
Philip Gullman,
Jorig Meyer,
Hans Michel Essig,
Jorig Abraham Essig,
Rudolph Essig,
Johan Jacob Bush,
Wilhelm Huber,
Jacob Miller,
Simon Carl,
Johannes Jorig Ritter,
Hans Jost Dubs,
Stefan Schust,
Jacob Meyer,
Theelman Hirnshall,
Durs Toma,
Hans Jacob Toma,
Martin Thomas,
Dierich Toma,
Hans Jacob Dups,
Joseph Cratzer,
Jacob Kese,
Rudolph Hang,
Hans David Bielman,
Hans Thomas Kurr,
Hans Michal Carle,
Gottfried Lantermilch,
Christian Darfen,
Peter Brinharb,
Walter Baruman,
Hans Siber,
Hans Zwalle,

Jacob Heckendorn,
Daniel Hechendorn,
Bastian Stoler,
Hans Jacob Griter,
Friedrich Griter,
Martin Griter,
Hans Spitler,
Hans Spitler,
Hans Georg Gerster,
Nicolas Tenne,
David Lortensteyn,
Jacob Bear,
Hans Jacob,
Stephen Jacob,
Johan Books,
Christian Reckty,
Abraham Jacky,
Sebastien Cagnelin,
Dietrich Cagnelin,
Jean Cagnelin,
Jean Comer,
Daniel Kommer,
Deitrich Werlie,
Hans Tisler,
Hans Imberman,
Hans Jacob Keller,
Nicolas Indie,
Jonas Joner,
Jacob Joner,
Bendict Yorhlig,
Christian Slachten,
Peter Delo,
Rudolf Bumgartner,
Jean Francois Chrestien,
Colas Drasbarb

e,	N. Gerard,
f Erb,	Peter Pinklie,
r,	Hans Pinklie,
tweiller,	Hans Pinklie,
	Johannes Keller,
h,	Johannes Keller,
l,	Francis Orich,
h,	Nicolas Orich,
tein,	Enoas Nowell,
s Schmidt,	Joseph Noel,
on,	Peter Noel,
non,	Jacob Christaman,
rtner,	Michel Haaling,
Drantman,	Marcus Marky,
yer,	Hans David Marky,
aaf,	Jacob Altland,
Graf,	Nicolas Mesling,
Wensel,	Johan Conrad Ganger,
Bietrab,	Georg Nicolas Ganger,
hiblen,	Peter Weyer.
ndorn,	

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cil held at Philadia., September 17th, 1736.

PRESENT:

le JAMES LOGAN, Esqr., President,

ton,	Ralph Assheton,	Esqrs.
mer,	Samuel Hasell,	
msted,	Thomas Griffitts,	
ence,		

te of Council of the 13th instant being read & ap-

t of the Proclamation thereby directed to be prepared, fore the Board by the Secretary, was read and approved, rossed, was signed by the President. It is Ordered e sealed & published to-morrow at the Courthouse & that printed copies thereof be sent into the several his Province, with Directions to the Sherifs for duly at the respective Courthouses, which Proclamation ords:

onble the President and Council of the Province of Pennsylvania.

"A PROCLAMATION.

, we have received certain Information that a Body of ndred Men in Arms, in a warlike manner, entered the ncaster, in this Province, and on Sunday the fifth in-

stant with Beat of Drum & Sound of Trumpet advanced to the Plantation, late of John Hendricks, on the west side of Sasquehannah, lying several miles more northerly than the City of Philadelphia, with Intent, as 'tis said, to oust by force several of His Majesty's Subjects, Inhabitants of that County, of their Possessions, and to awe and terrify others into an acknowledgement of the Dominion and Jurisdiction of the lord Proprietor of Maryland over those parts of the Country lying upwards of twenty miles to the northward of the East & West Line, which by a solemn agreement entred into by the Honourable the Proprietaries of Pennsylvania and the said Lord Proprietor of Maryland, now subsisting, and under the Cognizance of His Majesty's High Court of Chancery, was fixed and established as the Boundarie of their respective Provinces, Which military Preparation and Invasion hath, by the Conduct and Resolution of our Inhabitants on this Occasion, been happily frustrated. And Whereas these extraordinary Proceedings, in spreading Uneasiness and Terror amongst the Inhabitants, and thereby hindring them from the Pursuit of their lawfull Business and Occupations, are not only altogether unjustifiable between the Subjects of the same Gracious Sovereign, whose diffusive Goodness & Care for their Welfare and Security equally extend to all, but must undoubtedly be construed a Levying of War against His Subjects of this Province, in direct Violation of His Peace within the same, as well as in manifest Contempt of that high Authority; where the Dispute between the Proprietors of Pennsylvania and Maryland touching their Boundaries does now depend for a final Decision, & may in their Consequences involve His Majesty's Subjects in Contest's whereby their Lives may be exposed to Danger, and their Estates to Depredations. We have therefore thought fitt, for the better Prevention & Suppression of such Riots and Disorders, and for preserving his Majesty's Peace within this Province, to issue this Our Proclamation, Hereby strictly Requiring all Judges, Justices, Magistrates, & other Officers within the same, to be vigilant and active in their several Stations, for maintaining Peace and Good Order within their respective Districts; strictly Charging and Commanding the High Sherifs of the several Counties within this Province, with their inferior Officers, especially those of the County of Lancaster, where these late Commotions hapened, as also those of the County of Chester, to Hold themselves in a Readiness (upon any threatned Attack or Invasion) with the Posse of their respective Counties, for preserving His Majesty's Peace, and for preventing all Riots, Tumults, & other Disorders within their Bailywicks, that they use their utmost Diligence in apprehending and securing all such Persons as have been the Incendiaries in, or the Authors and Abettors of these late Disturbances, or shall hereafter be aiding & assisting in any others for the future; And in General, that the said Sherifs exert the legal Powers wherewith they are invested for the defence & Protection of the

Inhabitants, who are hereby required, on the call of the respective Sherifs, to give due Attendance & Assist them in the lawful Discharge of their Duty in the Premises.

"Given in Council, under the Great Seal of this Province, Philadia., the seventeenth day of September, 1736, in the tenth year of the Reign of Our Sovereign Lord, George the Second, by the Grace of God, of Great Britain, France & Ireland, King, Defender of the Faith, and so forth.

"GOD SAVE THE KING.

"JAMES LOGAN, Presidt.

"By Order of the President and Council.

"ROBT. CHARLES, Secry."

The following Paper, transmitted from Lancaster, was laid before the Board by the President, and read.

"Pennsylvania, ss.

"Whereas, we, the Subscribers, are informed it has been Asserted that the Late Resolution of the Dutch Inhabitants on the west side of Susquehannah River, to put themselves under the protection of the Government of Pennsylvania & submit to the Laws thereof, was Occasioned by the prevalency & Influence of the Majestrates of Lancaster County, Do Voluntarily & solemnly Declare that we were Chosen & appointed by the afs^{d} Dutch Inhabitants on the west side of Susquehanna River, Oposite to Hempfield, to apply in Our Own & their Behalf to the Majestrates of the said County, that we might be received as Subjects of this Government, as we Believed in Our Consciences it was our Duty; and we Do further Solemnly Declare & Affirm that this Association & Return was made of their's & Our Own meer motion and free will, without any previous perswasion, threatning or Compulsion from the Majestrates of the said County, or any Other person in their Behalf, so far as we know; and that the Letter Signed by the Inhabitants afs^{d} to be Communicated to the Governor of Maryland, was wrote at their own Request & according to the Instructions Given.

"HENRY HENDRICKS,
"MICHAEL TANNER,

"Taken & Subscribed before John Wright & Edward Smout, Esqrs., two of His Majesty's Justices of the s^{d} County of Lancaster, this 13th Day of September, An^{o} Dom., 1736.

"JN^{o} WRIGHT,
"EDWARD SMOUT,

The President then laid before the Board his Draught of the answer to Gov^{r}. Ogle's Letter, & the same being maturely weighed & considered, was, with a few small Alterations, unanimously approved; and the President being desired to sign the fair Copy

thereof in behalf of the Council, It is recommended to him to cause it to be conveyed to Mr. Ogle's hands by an Express on Purpose, & the same is as follows:

"Sir—

"We, the Council of Pennsylvania, on whom by the Death of our late Governor the Administration of the Government is devolved, have received yours of the 31 of August, occasioned (you are pleased to say) by an inclosed Paper, the Original of which came to your hands a few days before, subscribed with the names of fifty or sixty Persons, who some years since importuned you for the Grant of Lands under the Authority & Government of the Lord Proprietary of Maryland, & they were so successfull (you proceed to say) in their applications, that you directed & empowered them to settle & improve the Lands under the Government of that Province, & which they have from that time held & enjoyed, subject to his Lordships's Dominion & Authority; but they now seem to think fitt, & resolve by a most extraordinary kind of illegal Combination or Association, to disown their Obedience to the Government from whom they received their Possessions, and to transfer it to the Government of Pennsylvania. And this Proceeding of theirs you seem to suppose takes its Rise from the Encouragement of some Magistrates of our Government, but you appear unwilling to believe those concerned in the Administration would permit or support such a Behaviour.

"To which We truly answer, that we know nothing of the Encouragement you mention, & for those concerned in the Administration, we do assure you that no Body here, as far as we can find, heard a Syllable of any one Step taken in this affair till several days after the date of their mentioned Letter; nor was the matter heard of at our Board till the 24th of August, when our President communicated to us what he had heard or learn'd of the Subject; and if we could see this Affair in the same Light you have thought fitt to represent it, as none can be more sincerely & heartily disposed than we are to preserve Peace amongst all His Majestys Subjects, and to prevent all Struggles & Contentions inconsistent with that Peace & Happiness which (as you justly observe) His Majesty so gloriously endeavours to maintain & preserve amongst others as well as His own People, you might rest assured (as you say) of receiving from this Government all the assistance necessary for that Purpose; But having since the Receipt of yours, & of an Application from the People themselves, brought us within these few days past, seriously considered the whole state of that Affair, as attended with some Particulars communicated at the same time to us by Persons very lately come from thence, We are clearly of Opinion your Representation is wrong founded, & we must take the Liberty to speak to it with the Freedom & Plainess the Importance of the Subject requires.

"And first we must observe, you are pleased to say, these People importuned you for the Grant of Lands, under the Authority & Government of the Lord Proprietor of Maryland, but the Success you mention they were favoured with consisted not, it seems from your Words, in any Grant for Lands, but in your Directions only that they should settle & improve the Lands under the Government of that Province, so that all they obtained by this was that they should acknowledge the Jurisdiction of Maryland over Lands, on which we find divers of them had entered by Authority of the Land Office of Pennsylvania, & as Subject to its Government paid their Levies to the County of Lancaster, wherein they had been seated, & to which it is impossible Lord Baltimore either can or ever could justly pretend any manner of Right. The real Merit, therefore, of this it seems consists in putting them on transferring their Obedience from their rightful Landlord to another, to whom they stood in no Relation. For,

"That we might be the better able to answer your Letter, we have waited not only till we could hear of the Event of the military Expedition of your Forces of about three hundred Men in Arms, sent up, 'tis said, against those People, & for some other unjustifiable Purposes, but also that we might with more Certainty be informed from whence those Settlers were, & how & when their Settlements had been made; on the last of which we find that they are generally of those Palatines who a very few years since transported themselves from Holland to Philadelphia, & made themselves Subjects to His Majesty, King George the 2d, under this Government; and 'tis affirmed, they were so far from importuning you for any Grant of Lands that they were by very indirect practices of some Emissaries or Agents, pretending Authority from Maryland, seduced from their Duty, & imposed on to believe they were situate within the Limits of the Lord Baltimore's Jurisdiction; but what Applications such Persons might make in their Names we know not. Again, on the other hand, we are furnished with unquestionable Evidences to prove that they were never perswaded or sollicited by our Magistrates, or any Persons whatever in their behalf, to return to their Obedience to this Government, but that it was of their own mere Motion and Freewill, believing it in their Consciences to be their Duty; And certainly, the open & candid way they have chose to act in, must clearly convince any Gentleman of thought & Judgment that they had not concerted any Plot; they, therefore, from that natural Honesty and Simplicity, undoubtedly claim the Compassion & Regard of every good Man, & as they have been made Sufferers by their Weakness and Credulity in beleiving these busie Emissaries, they ought to be righted.

"The Lands they are seated on, we have said, are such as Maryland neither can nor ever could justly pretend to—no, not tho' you were to hold to the utmost Extent of your imagined Claims; but They have from the first Settlement of this Province been ever re-

puted a part of it, nor has the Government of Maryland at any time been so sanguine as to make any Claim to them, till after His present Lordship had, in the most solemn manner, & in the most binding terms that could be conceived in writing, renounced all Pretentions to the Lands lying many miles to the Southward of them. And then it was, when, under Pretence of supporting some who had fled from the Justice of other Governments, & to screen themselves, as they hoped, from the Authority of this, thought fitt to call themselves Marylanders, after the late solemn agreement for putting an effectual Period to all former Disputes about the Boundaries of the two Provinces was fully concluded, that you thought fit to set these new evasive attempts on foot, and laid the Foundation, that must necessarily involve the Subjects of His Majesty, as you say, in struggles & Contentions; for to these surprizing Measures of yours only have all these Differences been truly owing.

"Your proceeding, in sending up such an armed Force on this Occasion, & their invading the Possessions of others, where you never had the least Pretence of a Claim, either in Law or Equity, must indeed prove astonishing to every Man who hears of it, & has any just notion of the English Laws & the Priviledges of a British Subject; but as we shall not here enter into any Expostulation on that head, (tho' we might properly ask, when five or six Men going without any manner of arms, or so much as a Stick in their hands, into Maryland, to try their Challengers Prowess at boxing, was twice in a certain Letter called Levying of War, what terms you would think fitt to bestow on this March of such numbers so accourtred?) We think it incumbent on us to acquaint you, that as we are assured the Government of Pennsylvania is vested with equal or like Powers with that of Maryland, tho' it has hitherto with great Patience waited for the Decision of the grand Dispute in Britain, which it is manifest your Lord Proprietor endeavours to delay, yet now, on so flagrant an Insult as this last step of yours, we cannot but think ourselves oblidged to put His Majestys Subjects under our care, on measures to prevent the like Invasions for the future; for this Province, especially those parts, are filled with People of more Spirit than to brook such Treatment, & if any Mischief ensue on their Opposition to your Attacks, you cannot but well know who must be accountable for it. But further, while all these Contentions are owing solely to your own Projections to carry your Lord Proprietor's Pretentions into Lands, that not only never had been in his Possession, but cannot possibly fall within Maryland, & which, for ending all Disputes, he had in the most solemn manner renounced all Claim to, & to sett these Pretentions first on foot at a time when the Execution of the agreement was in Agitation, & to continue them while the whole Affair is under the Cognizance of that High Court, the Chancery of Great Britain, these, we say, carry with them such accumulated Aggrevations, & are so farr from admitting the Possibility of a Justification by any Colour or varnish of words whatever,

that none but your Enemies can be pleased with such a Conduct.

"The sole End of Government, you are sensible, is the Peace & Security of the People, which all those in whom such important Trusts are reposed lie under the deepest Obligations to promote & maintain, more especially amongst those who are equally Subjects of Our most Gracious Sovereign, whose paternal Cares & constant Endeavours for the Happiness of all His People, make a great part of the shining Glories of His auspicious Reign; & we do assure you that we on our parts, while we have the Honour of the Administration of this Province, will at all times be ready to promote any just & honourable Measures that can be proposed for preserving that Tranquility & good Neighbourhood, which has formerly subsisted between Maryland and Pennsylvania, & is so essential to the Welfare of both Provinces: This Behaviour, in which we are determined to persevere, as it cannot but be most acceptable to His most Gracious Majesty, so it will most directly tend to our mutual Honour & Reputation, & that you may joyn with us in an equal zeal for the same, is the hearty Desire of

"Sr.,

"Your Friends, & humble Servants,

"Signed in behalf of the Council,

"JAMES LOGAN.

"Philadelphia, September 18th, 1736."

Addressed:

"To the Honble Samuel Ogle, Esqr.,
Lieut. Governor of Maryland."

September.

The Chiefs of the Six Nations having been expected at Philadia. these four years past, to confirm the Treaty made with some of them who came down in the year 1732, Conrad Weiser, our Interpreter, about the beginning of this Month, advised from Tulpyhockin that he had certain Intelligence from some Indians sent before him, that there was a large number of those People with many of their Chiefs arrived at Shamokin, on Sasquehannah; upon which he was directed to repair thither to attend them, and supply them with necessaries in their Journey hither.

On the 27th of this Month, about a hundred or more of them came with Conrad to the President's House at Stenton, being near the Road, where suitable Entertainment was provided for them, and the next day the Honble the Proprietor, & some of the Council, with other Gentlemen, coming thither from Philadelphia after Dinner,—

A Council was held at Stenton, Septr. 28th, 1736.

PRESENT:

The Honble THOMAS PENN, Esqr., Proprietary.
JAMES LOGAN, Esqr., President.

Samuel Preston, Ralph Assheton, } Esqrs.
Clement Plumsted, Thomas Griffitts, }

and the following Indian Chiefs, to witt:

Of the Tsanandowans or Sinekas.

Kanickhungo, Speaker,
Togachshaholoo,
Sagoyatundachquai,
Askotax,
Hetaguantegechty, Speaker,

Onondagoes.

Kahiskerowane (Brother to their former great Chief, Conossoorah, at Albany),
Taginchuntee,
Kaxhaayu,
Kuchdachary,
Saweegatee-o.

Cayooges.	Oneidas.	Tuskarores.
Saguchtanyunt,	Saristagoa,	Sawuntaga,
Sunaretchy,	Takashwangaroras or	Tyeroi.
Kanawatoc,	Shekallamy.	
Teeoouchtseegherochgoo,		

Of the Canyingoes or Mohocks none came.

By the Interpreter's advice, they were first spoke to in their own way, with three small strings of Wampum in hand, one of which was delivered on each of the following articles:

"Our Friends and Brethren:

1. "You are come a great way, & have doubtless suffered many hardships in so long a Journey, but now you are with your Brethren & true Friends, who have long been in Friendship & Alliance with your Nations. You must, therefore, put away all Grief & Uneasiness, & brighten your Eyes that we may see and be chearfull with each other.

2d. "We desire, that as we are now met as Brethren & Friends, you will open your hearts as we shall our hearts, that we may speak with freedom & openness to each other.

3d. "You are come to us as your true friends, we receive you with gladness; you shall shelter yourselves under our Covering, and be entertained by us as ourselves, for you are our brethren."

The Indians hereupon expressed their Satisfaction with Sounds peculiar to themselves on such Occasions; and then their Speaker, with three like Strings in his hand, repeated all those three several Articles more at large, returning their thanks for each, delivering a String as each Article was spoke to, & giving assurances of their freedom & openness, & desiring we would use the same. But on the third, they said they could not receive & treat us as we did them:

they are now with us, they give themselves up to us & depend on our Protection.

Then with 5 more very short Strings in his hand, the Speaker proceeded to say on the first, that they had received on the Road a Message from us, delivered by Conrad Wyser, welcom^e^ them into the Country; on the 2d, that they had at the same time received from us an account of our late Governor's Death, but that this would not occasion any Alteration, because W. Penn's own Son is here, & also Ja. Logan with the Council; on the 3d, they returned their thanks, & with the other two confirmed the whole.

They said they were now come, after a full Consultation with all their Chiefs at their great Fire or place of Council, to return an answer to the Treaty that some of them had held with us four years since at Philadia.; That they intended to stay with their friend James Logan two nights to rest themselves, & then proceed to the Fire kept for them at Philadia., where, after two nights more, they would at that Fire give their full Answer.

They were told we were willing to keep them here in the Country the longer because many People in Philadelphia had been sickly, & now the small pox are there, a Disease that has often proved fatal to the Indians; That it would be a great trouble to us to see any of them taken with that Distemper after they had travelled so far to visit us, for we are very desirous they should all return safe, & as healthy as they came to us; That it is proper they should give their answer at Philadelphia in the same publick Manner we had last treated with them, but it is advisable they should spend no more of their time in the town than will be absolutely necessary, for many Inconveniences may attend it.

They appeared concerned at this, thanked us, and said they would go together by themselves to advise on it.

September 29th.

The Gentlemen of the Council having gone home last night to Philadelphia, & only the Proprietor staying, Mr. Preston with some others came again to day, and the Indian Chiefs, after they had consulted this morning amongst themselves, meeting the Proprietor in Council, said:

That they were much oblidged to us for the care we took of them, we shewed it by our true friendship for them; that as they are now with us they put themselves wholly under our Direction, & tho' Philadelphia is the Place where their Fire is kept for them, yet it may upon Occasion be brought out hither, and they are free either to proceed to Philadelphia to treat at the Fire there or to stay here, as we shall think fitt to order it.

They were told, as the last treaty with them was held in publick at Philadelphia, it would be necessary they should there give their answer; that we were not wholly against their going to town, but thought ourselves obliged to acquaint them with the danger, yet that this is not at present so great that it should wholly prevent their going, the Distemper is as yet but young, & just begun in the place; that it is only in the heart or near the middle of the town; that they will be accomodated at the edge or out skirts of the Town, where if they take care they may for a few days be in but very little or no danger.

They then resolved to set out for Philadelphia the next day, and accordingly, have been entertained at Stenton three nights, they went to town on the last of September, & having rested the first of October, on the second day they met as follows:

At a Council held in the Great Meeting House at Philadelphia, the 2d day of October, 1736.

PRESENT:

The Honble THOMAS PENN, Esqr., Proprietary.

JAMES LOGAN, Esqr., President.

Samuel Preston,	Ralph Assheton,	Esqrs.
Anthony Palmer,	Thomas Griffitts,	
Clement Plumsted,	Charles Read,	
Thomas Laurence,		

PRESENT, ALSO,

The Mayor and Recorder of the City,

With divers Gentlemen and a very large Audience, that filled the House and its Galleries.

The Indian Chiefs being come and seated,

The President, before proceeding to hear them, thought proper to inform the audience, that in August, 1732, a great Treaty having been held in this Place with several Chiefs of the Six Nations, they had made Report thereof on their Return to their Great Council, where the several Propositions that had been made to them on the part of this Government had been fully considered; And that these Chiefs now present, of whom there never at any time before had been so great a Number mett in this Province, were now come to return their Answer.

The Indians being made acquainted with what the President had said, were told that we were ready to hear them.

Whereupon, Kanickhungo their Speaker, addressing himself to their Brother Onas (which signifies Penn), to their Brother James Logan, & the Gentlemen of the Council, spoke as follows by Conrad Wyser the Interpreter:

"Brethren:

"We are now come down from the Towns of our several Nations to give our Answer to the great Treaty which we & you held together at this place about four years since. This Answer has been agreed & concluded upon by our Great Council, who have carefully considered all that passed between you & us, & expressed their great satisfaction in the friendly & good Dispositions of you, our Brethren, towards all the Indians of the Six Nations; And as you received us kindly, and at that Treaty undertook to provide & keep for us a Fire in this great City, we are now come to warm our selves thereat, & we desire & hope it will ever continue bright & burning to the End of the World."

Hereupon he laid down a large Belt of white Wampum of Eleven Rows, with four black S^{t} George's Crosses in it, and proceeding said,—

"Brethren:

"Soon after our Brother Onas, who is now here, came into this Country, he & we treated together. He opened & cleared the Road between this Place & our Nations, which was very much to our good Liking, & it gave us great Pleasure. We now desire that this Road, for the mutual Accommodation & Conveniency of you & us, who travel therein to see each other, may be kept clear & open, free from all Stops or Incumbrances; And if, since the time that we last cleared it with you, any Tree has fallen across it, or if it is any way stopt up, of which, however, we know nothing, we are now willing to open & clear the same from every Interruption, And it is our hearty desire that it may so continue while the Earth endures."

Hereupon he presented a Bundle of Skins in the Hair, and went on:

"Brethren:

"One of the chief Articles of our late Treaty together, was the brightning of the Chain of Friendship between us, & the preserving it free from all Rust & Spotts, & that this Chain was not only between this Government & us, but between all the English Governments & all the Indians. We now assure you, our Brethren, that it is our earnest Desire this Chain should continue & be strenghtned between all the English & all our Nations, & likewise the Delawares, Canayes, & the Indians living on Sasquehanna, & all the other Indians who now are in League & Friendship with the Six Nations, in behalf of all whom, & as a lasting Confirmation of this great article, to endure until this Earth passeth away & is no more seen, we now deliver you this Beaver Coat."

Here he laid down a large Beaver Coat.

The Proprietor gave them Thanks in behalf of this Government,

for what they had spoke touching these three important Articles of the Fire, Road, & Chain of Friendship, & told them their Discourse thereon was very satisfactory.

The Speaker proceeded, and said:

"Brethren:

"To conclude all that we have now said, it is our Desire that we and you should be as of one Heart, one Mind, & one Body, thus becoming one People, entertaining a mutual Love & Regard for each other, to be preserved firm & entire, not only between you & us, but between your Children & our Children to all succeeding Generations.

"We who are now here are old Men, who have the Direction of Affairs in our own Nations, & as we are old, it may be thought that the Memory of these things may be lost with us, who have not like you the Art of preserving it, by committing all Transactions to writing; we nevertheless have Methods of transmitting from Father to Son an account of all these things, whereby you will find the Remembrance of them is faithfully preserved, & our succeeding Generations are made acquainted with what has passed, that it may not be forgot as long as the Earth remains."

They were told that it was very agreeable to us to know that they took such effectual Care in this Point.

Then proceeding, he said:

"Brethren:

"We desire that this brightning of the Chain, & establishing a strong & firm League of Friendship, may be understood by you, as we understand it to be, not only between the Chiefs of our Nations & the Chiefs or principal Men of this Government, but likewise between all our People & all your People, & between you & all our Warriours who goe abroad & sometimes pass near this Government, to all of whom we have given the strictest Charge to behave themselves agreeable to the Friendship which is established between you & us, that so we all may continue to be one People forever.

"At the last Treaty you advised us to strengthen ourselves by entring into firm Leagues of Friendship & Alliance with several other Nations of Indians around us. This Advice was truly good, & we thank our Brethren for it; we have accordingly treated with these six follow[g] Nations, to witt: the Onichkaryagoes, Sissaghees, Troumurtihagas, Attawantenies, Twechtwese, & Oachtaumghs, & have engaged them so heartily in our Intrest, that they acknowledge us for their Elder Brethren, & have promised to join with us as one People, & to act altogether in Concert with us.

"You likewise then advised us to call home all those of our Nations who are at Canada or live amongst the French, lest if any Occasion of Difference should arise, they might then be prevented from

Returning. We estcem this likewise as sound, good advice, & we thank our Brethren for it: The French were formerly our cruel Enimies, & we are taking such Measures as we hope will be effectual to bring back our People, if any new Breach should happen."

The Speaker said:

"To confirm all that we have now said, we would be glad if we had a large Present of Skins to deliver, in return to the considerable one in Goods which we had of you, but we must own to you that we are at present but very ill provided & poor, & have only a very small Quantity of Skins, which nevertheless we hope our Brethren will accept."

Here he laid down two small Bundles of Skins.

"We have now nothing more to say in Publick, but having other Matters to treat on with the Proprietor, we will enter upon them at another time."

They were told that the Proprietor, President, & Council thank'd them very kindly, in behalf of this Government, for all they had now said; that they had returned full & distinct Answers to all the Chief Articles or Propositions made at the last great Treaty in 1732; they had spoke to each of them like honest Men & true Brethren, and as they had consulted together before they delivered their answer, so now the Council would meet & consider together of all that passed at present.

Which being interpreted to them, they expressed their Satisfaction by a Sound peculiar to them, in which they all joyned, and then withdrew.

At a Council held at Philadia., October 4th, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Anthony Palmer, Ralph Assheton, Clement Plumsted, Thomas Griffitts, Thomas Laurence, } Esquires.

The returns of the Elections of Persons to serve for Sherifs & Coroners in the several Counties of this Province for the ensuing year, being laid before the Board, the following Appointments were made.

For the City & County of Philadia., Joseph Brientuall & Isaac Leech, being returned for Sherifs, and Owen Owen & David Evans, for Coroners, Joseph Brientuall is appointed Sherif, & Owen Owen Coroner.

For the County of Bucks, Timothy Smith & John Hart being returned for Sherifs, and Johnathan Woollaston and James Shaw

for Coroners, Timothy Smith is appointed Sherif, & Johnathan Woollaston Coroner.

For the County of Chester, John Owen & Benjamin Davis being returned for Sherifs, and John Wharton & Robert Parke for Coroner, John Owen is appointed Sherif, and John Wharton Coroner.

For the County of Lancaster, Samuel Smith & James Galbraith being returned for Sherifs, and Joshua Lowe & William Caldwell for Coroners, Samuel Smith is appointed Sherif, and Joshua Lowe Coroner.

And Commissions are Ordered to be issued accordingly, the Sherifs giving Security as the Law directs.

Came in, Charles Read, Esquire.

The President representing to the Board the Necessity of dispatching the Indians of the Six Nations, who being very numerous remain here at a great Charge, proposed that the Consideration of the value of the Present to be given them should be now proceeded upon. And Accordingly the Board entering upon the same, & observing that for these many years there has not been so great an Appearance here of Chiefs of these Nations as at this time, and that they have returned very full & distinct answers to every Article of the Treaty with them in 1732, are of Opinion that proper goods for them, to the value of about Two hundred pounds, should be provided and given them, and that to Conrad Weyser, the Interpreter, who is extremely usefull on all such Occasions, and on the present one has been very serviceable, there be given twenty pounds; *which sums the Provincial Treasurer is hereby directed to pay. And that the Provincial Treasurer advance the said Sums.*

At a Council held at Philadia., October 9th, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.
Clement Plumsted, Samuel Hasell, } Esqrs.
Ralph Assheton, Thomas Griffitts. }

[See Minute of 13th Aug^{t}., 1737.]

Information being given to the President that divers of the Indians are seen about the streets much disordered by Liquor, which 'tis believed they have been furnished with from some of the low Tipling Houses in this City, contrary to the Laws of this Government, the following Order was drawn up, & being signed by the President, It is Ordered that the same be published by the Cryer this afternoon throughout the City.—

By the Honourable the President and Council of the Province of Pennsylvania.

AN ORDER.

Whereas, by an act of General Assembly of this Province, Inti-

tuled An Act against selling Rum and other strong Liquors to the Indians, all Persons whatsoever are by the said act prohibited directly or indirectly to Sell, Barter, Give, or Exchange, by themselves or others, any Rum, Brandy, or other strong Liquors, mixed or unmixed, to or with any Indian within this Province, under the Penalty of their forfeiting Ten Pounds; And Whereas, a large Number of the Chiefs of the Indians of the Six Nations are lately arrived in this City, & have for some days past held Treaties of great Importance to the Government of this Province, during which time it appears that divers Persons in this City, without any Regard to the Laws & good Government of the Place, but solely intent on their own private Lucre, do furnish divers of the Indians with the said Liquors, whereby they are rendered incapable of pursuing the Business for which they came, & to the great Reproach of the Government are seen disordered about the streets. These are therefore strictly to Prohibit and Forbid all Persons whatsoever within this Province, directly or indirectly, to Sell, Barter, Give, or Exchange, or by any means to furnish the said Indians, or suffer them to furnished with any Rum, Brandy, or other Spirits, on Pain of the Forfeiture aforesaid, & being further prosecuted as the Law directs; And all Magistrates, Sherifs, Constables, & other Officers within the said Province, are hereby required to put the said Act in Execution against such Persons as shall be legally Convicted of selling Rum, or any other strong Liquors, to the Indians as aforesaid.

Given under the Seal of the said Province at Philadia., the ninth day of October, 1736, in the tenth year of His Majesty's Reign.

JAMES LOGAN, Presidt.

At a Council held at Philadia., October 12th, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston,	Samuel Hasell,	Esqrs.
Clement Plumsted,	Thomas Griffitts,	
Thomas Laurence,	Charles Read,	

The Minutes of the four preceding Councils being read and approved,

The President informed the Board, that agreeable to the Minute of the 4th, Care had been taken to provide Goods for the Indians, but next day after Council, consulting with Conrad Weyser the Interpreter, he had advised that the Delivery of the Present should be delayed till the Indians had finished with the Proprietary, with whom they were then to treat about the Purchase of Lands, that most of last week being spent therein the Indians had yesterday ended with the Proprietary, having signed Releases to him for all

the Lands lying between the Mouth of Sasquehanna & Kekachtanium Hills, and that it now remained to conclude on the Quantity & Quality of the several Goods to be given them, & on the substance of what should be proper to be spoke to them. The Board are of Opinion, that considering the large Quantity of Goods which they have had from the Proprietor on the Purchase, it may not at this time be necessary to give them, in behalf of this Government, so great a Present as the Value ordered by the aforesaid Minute, but that it may very well be considerably reduced, & accordingly It is Ordered, that it be reduced to between sixty and seventy Pounds, [*And the Treasurer is directed to pay the same.*] *to be left out.*

The President laid before the Board a Letter from George Miranda, one of the Traders at Allegheny, addressed to Edward Shippen, giving an account that an accidental Quarrell having hapned between an Indian of the Six Nations or Mingoes, with one Solomon Moffat, a Blacksmith, in which the Indian is represented as the aggressor, he was unhappily killed by a Blow given him by Moffat, who had since fled toward Virginia. The President said that the Indians now here had received an account of this affair, but different from that given by Miranda, the Blacksmith being charged as having been very abusive to the Indian & first assaulted him. The Board being of Opinion that Process ought to be forthwith issued against Moffat, took into advisement whether it would be proper to issue Warrants or a Proclamation with a Reward for apprehending him, and the Board being equally divided It is left to the President to determine the manner of Proceeding.*

The President likewise acquainting the Board that the Indians at a meeting with the Proprietor & him, had taken notice that Conrad Weyser & Shekallamy were, by the Treaty of 1732, appointed as fitt & proper Persons to goe between the Six Nations & this Government, & to be employed in all Transactions with one another, whose Bodies the Indians said were to be equally divided between them & us, we to have one-half & they the other; that they had found Conrad faithfull and honest; that he is a true good Man, & had spoke their Words & our Words, and not his own; and the Indians having presented him with a drest Skin to make him Shoes, and two deer Skins to keep him warm, they said as they had thus taken Care of our friend they must recommend their's (Shekallamy), to our Notice; and the Board judging it necessary that a particular Notice should be taken of him accordingly, It is Ordered that Six pounds be laid out for him in such things as he may most want, *and that the Provincial Treasurer pay the said sum. And y^e^ Provincial Treasr. is desired to provide the same.*

It was then recommended to the President, & he undertook to prepare a Draught of what might be proper to be said to these In-

* See Minute of Aug^t^ 13^th^, 1737.

dians at giving the Present from this Government, and to lay the same before the Board to-morrow morning at ten o'clock, to which time the Council adjourned.

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MEMORANDUM.

By Direction of the President, the following Proclamation for apprehending Solomon Moffat was issued:

"By the Honourable the President and Council of the Province of Pennsylvania.

"A PROCLAMATION.

"Whereas Information hath been given unto us, that on or about the beginning of September last, at Allegheny, in the County of Lancaster, within the Province aforesaid, a Quarrell having arisen between an Indian Man of the Mingoes, or Six Nations, in League & Amity with this Government, and Solomon Moffat, of the County aforesaid, Blacksmith, the said Indian Man did receive several Blows and Wounds of which he languished for several days, and languishing died, & that the said Moffat hath since fled for the same: And Whereas, it is not only necessary for the Preservation of that Friendship & good agreement which hath hitherto subsisted between this Government & all these Indians, but is likewise consonant to Justice, that the said Soloman Moffat should be apprehended and brought to a Tryall for the said Offence, We have thought fit to issue this Our Proclamation, Hereby Charging & Commanding all & every of the Sherifs and Officers of the respective Counties of this Province to make diligent seareh & Enquiry within their respective Bailywicks for the said Solomon Moffat, & him to apprehend & bring before any of His Majesty's Judges or Justices in this Province, to be committed to Gaol, till he be thence delivered by due Course of Law; and for the Encouragement not only of the said Officers, but of every other Person, in detecting, pursuing, & apprehending the said Moffat, We do hereby promise a reward of Ten pounds, to be paid by the Provincial Treasurer, to any Person or Persons who shall apprehend and deliver the said Moffat to any Judge, Justice, or other Magistrate within this Province, so that he be committed to safe Custody, in order to be proceeded against according to Law.

"Given in Council under the Great Seal of the said Province at Philadia., the twelfth day of October, 1736, and in the tenth year of the Reign of Our Sovereign Lord George the Second, by the Grace of God of Great Britain, France, & Ireland, King, Defender of the Faith, and so forth.

"By Order of the President & Council,

"JAMES LOGAN.

"ROBT. CHARLES, Secry."

At a Council held at Philadia., October 13th, 1736.

PRESENT:

The Honble THOMAS PENN, Esqr., Proprietary.

JAMES LOGAN, Esqr., President.

Samuel Preston,	Ralph Assheton,	Esqrs.
Clement Plumsted,	Samuel Hasell,	
Thomas Laurence,	Thomas Griffitts,	

The President laid before the Board a Draught of a concluding Speech to the Indians, which being read and approved, they were sent for, who being come & seated, the said speech was delivered to them by the Interpreter as follows:

"Our Brethren,

"Four years since, at a great Treaty held here with your Chiefs, we confirmed all our former Treaties with you, we brightened the Chain, kindled our Fire, to be kept always burning here for you, opened & cleared the path between your Coutry and Ours, & made ourselves & you one Body and one People.

"The Chiefs of all your Nations being met at your great Fire or Council in the Country of the Onondagoes, having heard of & considered that Treaty, were so well pleased with it that it was agreed, as you have told us, that you who are the principal of all your Chiefs, should come down & visit us & more fully & absolutely confirm that Treaty, which you accordingly did a few days since at our great House in Town, in the presence & hearing of some thousands of our People, and it was done not only in behalf of us ourselves, & yourselves, but for our Children & Children's Children to all Generations, as long as the Sun, Moon, & Earth endure.

"Thus this Treaty, by which we are to become as one People & one Body, is in the strongest terms confirmed never to be changed, but to be kept in everlasting Remembrance.

"But besides what we have already concluded, we shall now, for the further brightning the same Chain, & that no Spot or Blemish may be fixt on it, speak to some particulars for your more full satisfaction.

"It has been agreed between us, that we should suffer no Injury to be done to one of your People more than to our own, nor without punishing the Offender in the same manner as if it had been done to one of our People; And you also engaged, on your parts, that you would give us the like satisfaction for every Injury done by your People to any of ours; and whatever should happen of this kind it should make no other Difference than as if the Injury were done by one English or white Man to another, & so in the Case of an Indian. Now since you came hither, we have heard that a white Man, one of our People & one of yours, being both in Liquor,

quarrelled at Allegheny; that the Indian struck at the white Man with a Knife, & the white Man gave the Indian some blows on the head, of which he died in 4 or 5 days after; that the white Man got out of the way & hid, & when he heard the Man was Dead he ran away to the Southward, to Virginia. Who was first in the fault in this Matter, we know not, but we have now issued a Proclamation for apprehending the white Man, & proposed a Reward of ten pounds to any one who will Seize & Deliver him to some Magistrate or Officer, that he may be putt in Prison & tried for his Life. If then it appears that he willfully killed the Man, he will be hanged by our Law; if it was in Defence of his own Life, he is not to die for it; but after he is tried we shall acquaint you how the matter appeared. The first Account we had of it was in a Letter, which the Interpreter shall read, & acquaint you with it; but that story being told only on one side, we do not depend on it for the truth: And thus we shall act in all such cases, as Brethren always ought, whenever they unfortunately happen.

"We are very sensible Rum is the principal Occasion of these Disorders, & we heartily wish any means could be possibly found to prevent the Abuse of it. You have desired us, in your discourse with the Proprietor, to recall all our Traders from Ohio or Allegheny, & the branches of Sasquehannah. We desired at our Treaty four years agoe, that all our Indians, the Delawares, Shawanese, & others, should be recalled from Ohio, for we knew not then but there might be War with the French; & you know the strength of a People consists in their being drawn close together, as into one Body, & not to be scattered. But we know not what you mean by recalling our Traders, for you are sensible the Indians cannot live without being supplied with our goods; they must have Powder & Lead to hunt, & Cloaths to keep them warm, and if our People do not carry them, others will from Maryland, Virginia, Jerseys, or other places, and we are sure you do not desire that the Indians should trade with those People rather than with ours. The Traders of all Nations find the Indians are so universally fond of Rum, that they will not deal without it. We have made many Laws against carrying it; We have ordered the Indians to stave the Caggs of all that is brought amongst them, but the Woods have not streets like Philadelphia, the Paths in them are endless, & they cannot be stopt, so that it will be carried either from one Country or another; and on the other hand, the Indians are so very fond of the Liquor, even the best of them, that instead of taking it from those who bring it, & staving it, they take and drink it, which is both unjust in it self & does more mischief; for the Traders, if they kept it, would hand it out by stealth, in small Quanties; but the Indians, when they take it, drink it off by great quantities, so that no Method we can find will prevent the Indians having it, till they are so wise as to refrain it of themselves; and why are they not so wise? They show very good strong sense in other things, & why cannot they

act like us? All of us here, & all you see of any Credit in Place, can every day have as much Rum of their own to drink they please, and yet scarce one of us will take a Dram, at least one Man will on any Account be Drunk; no, not if he were hire it with great sums of money.

"And now to bind & confirm all these our Words, we have vided for you the following Goods, which will be delivered to to-morrow at the President's Lodgings, to witt:

One hundred pounds of Powder,	Thirty-one yards & ½ of h
One hundred & fifty pounds of Lead,	thicks,
	Twenty-five Hatchetts,
Twelve strowds Matchcoats,	One hundred Knives,
Twelve Kettles,	Two hundred flints,
Twelve Blankets,	One dozen looking Glasses,
Twelve Duffells,	Three dozen of Scissars,

with some Tobacco, Pipes, Rum, & Sugar.

The Council rising, & the President with the Proprietor stay the Indians entred into further Discourse, & said they had rece a Message, with some Wampum, from the Governor of Maryl informing them he had received a Letter from the King of Engl ordering him to see that they should not be wronged of their La that he had understood this Government had wronged them, d they would send some of their people to him, he would take c they should be righted; he would write to the Great King, would give such Orders as that they should have justice done th Being asked how they received that Message, they said the who brought it was here now with them; they had the Wamp & would shew it to us; And they earnestly pressed that we wo write to the Governors of Maryland & Virginia, to make them isfaction for the Lands belonging to them (the Indians), which People of those Governments were possessed of, that had n been purchased of them; that all the Lands on Sasquehannah & Chanandowa were theirs, & they must be satisfied for them; t they had agreed with us for the Lands they now released to us, they had never received any thing from the other Governments the Southward for theirs.

They were told, that on their receiving the Present to-morr they should be answered on these Heads, & after being entertai by the Proprietor they withdrew.

October 14th.

The Honble the Proprietor, the President, with some of Council met this forenoon, & the Indian Chiefs being com seated,—

ving now brightned the Chain, & confirmed all the
cessary for establishing perfect Friendship between them
ing thus become one People they must desire that we
ore reasonable in the sale of our Goods, which are much
y say) from our Traders than from those of New York;
wder sold by the Traders of New York is generally found
l with black Dust, so that the Bullet falls often short of
thro' the Badness of the Powder; that if we would sell
might thereby draw a great Trade to this Province, far
of any others, which would be to our advantage.

upon he laid down a Bundle Skins and said:—

mgst them there is never any Victuals sold, the Indians
h other freely what they can spare, but if they come
r People they can have none without paying. They
should take Money on this Score.

ing now finished & preparing to return home, as several
e old Men, they request that we would help them on
ey, by assisting them with Horses & some Carriages for
; that as we have many Horses and Carriages they desire
pare them some for their use, who are our Brethren.

upon he laid down two Bundles of Skins.

eeding he said:—

y must desire us to write to the Governors of Virginia
l, who are possessed of their Lands, without ever con-
Indians for them, & request that we would take the
those Governors, which next Spring some of their
l come to receive at the Fire kept for them in this place.
ntend to apply to the great King on the other side of
& let Him know what they expect on this Head from

it was impossible to prevent Rum being carried to Allegheny; tha if the case be thus we had better hinder any Persons from goin thither at all, & confine our Traders to the River Sasquehannah & its Branches; for as several of the Indian Warriors pass by Alle gheny, where so much Rum is constantly to be had, they canno but be very apprehensive that some Mischief may happen. Thi Consideration often troubles them.

In answer to all which the Indians were thus told by the Inter preter:

That as to all that had passed relating to the Chain, Road, & Fire, we have now firmly & fully established & confirmed all these Articles, to be kept in perpetual Remembrance by them & us, & by our Children & their Children to all Generations.

That as to the Dearness of Goods carried amongst them the Gov ernment here has no Concern in the Trade, it is entirely carried on by private People, those that go amongst the Indians purchase the Goods they carry with them at the easiest Rate, & we are told, that considering the Length of Way they carry them, they are sold so cheap that these Traders can be but small Gainers; but the prices of Goods are not under any Regulation, they get for them what they can.

That all the White People, tho' they live together as Brethren, have each, nevertheless, distinct Properties & Intrests, & none of us can demand from another Victuals or any thing of the kind without payment. One Man raises Corn & he sells it, Another raises Horses & he sells them, & thus every Man lives by his own Labour & Industry, & no one has a Right to take away from another what he thus earns for himself, & all Victuals cost money.

That proper care will be taken, as has formerly been done, to supply them with Horses & Carriages to make their Journey home as easy as possible.

That we would be glad to do them any Service with the neigh bouring Governments, but we do not clearly understand this Matter. As to what is said of a Letter from the King of England we do not believe there is any Truth in that Report. We have indeed heard of a Letter sent up to Sasquehannah from the Governor of Mary land. If he mentions anything in it of Orders from the King of England they should send some Persons to that Government to enquire into the Matter. As to the Claim they make on the Lands of Maryland & Virginia we know not how this is supported; the Lands on Sasquehannah, we believe, belong to the Six Nations by the Conquest of the Indians of that River; but how their Pre tentions are made good to the Lands to the Southward we know not, & we ought to be better informed before we can write on this Head.

That we cannot prevent our Traders from going where they may

best dispose of their Goods; we shall take the most proper Measures in our Power to hinder their carrying Rum in such Quantities, & we hope the Indians will give strict Charge to their Warriours to be cautious & prudent, that all kind of Mischief may be prevented.

The Indians appearing satisfied with what had been spoke to them, said they had nothing further to offer. The present was then delivered to them, which they rece'd with great Thankfulness, those of each Nation alternately by themselves, & then all of them together, joyning in their usual solemn Sound when they express their Satisfaction. Having afterwards drank a friendly Glass, & taken leave of the Proprietor, President, & Council, they departed, and thus the Treaty ended.

At a Council held at Philadia., October 15th, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President,

Clement Plumsted,	Samuel Hasell,	Esquires.
Thomas Laurence,	Thomas Griffitts,	
Ralph Assheton,	Charles Reid,	

The President acquainted the Board that this day about noon he received a verbal Message from the House, by five of their Members, which they desired might be communicated to the Council, to this Effect, That the House of Representatives of the Freemen of the Province of Pennsylvania had mett yesterday according to Charter, had chose Andrew Hamilton, Esqr., their Speaker, & had qualified themselves according to Law; That the Powers of Government being on the Decease of the late Governor devolved on the President & Council, the House desired, that if the Board should at any time have any thing to communicate to them that might be of service, or contribute to the publick Welfare, they would be pleased to lay it accordingly before the House, & they should not fail on their part to promote the same. Whereupon the following Message was drawn up, & Ordered to be carried down to the House by the secretary:

"Gentlemen:

"The President having communicated to the Council the Message he received from the House this day, that they had mett & proceeded to the Choice of a Speaker, the Board hereby acquaint the House that they are now met in the Council Chamber at the President's, & are ready to receive the House of Representativss with their Speaker according to Custom."

At a Council held at Philadia., October 16th, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President,

Samuel Preston,	Samuel Hasel,	Esquires.
Clement Plumsted,	Thomas Griffitts,	
Thomas Laurence,	Charles Read,	
Ralph Assheton,		

The House having rose before the Message of the Board of yesterday afternoon was delivered, the Secretary was ordered to deliver the same verbally this morning, and to add, that the Council were now sitting at the President's, & ready to receive the House with their Speaker.

The Secretary being returned, reported that he had delivered the same accordingly.

The Indians being now on their Departure homewards, It is Ordered that the Provincial Treasurer do supply Conrad Weyser, Interpreter, with any Sum, not exceeding twenty pounds, for defraying their Charges on the Road as far as Shamokin, if he shall find it necessary, & that the Carriages be paid as agreed for.

Upon reading at the Board this day a Petition of Robert Wilson, Mate of the Ship Cambridge, now riding at Anchor in the Port of Philadelphia, whereof David Fogoe, deceased, was late Master, setting forth that the said Ship, being bound from the Island of St. Christopher's to London, with Sugar & other Merchandizes, was discovered at Sea to be so leaky & infirm as not to be able to proceed on the said Voyage; that the Master thereupon made this Coast, & arrived here about the beginning of last Month; that he contracted with Peter Baynton of this place, Merchant, for a Vessel of his to carry to London the Cargo of the said Ship Cambridge; That on the twenty eighth day of last Month the said Master unfortunately fell overboard into the River & was drowned; that the Petitioner being a Stranger in this Place, & finding that no Persons here have a sufficient authority to intermeddle with the Cargo aforesaid, & to give the necessary Orders how the said Petitioner & the Crew of the said Ship Cambridge are to proceed, is therefore advised to apply to this Board, whose Directions he humbly prays, that Justice may be done to the Owners & Mariners of the said Ship, & the Interest of the several Persons concerned in the said Cargo secured.

The Board having considered the said Petition, & conceiving it to be highly just that all proper Care should be taken of the said Ship & Cargoe, are of Opinion, that she ought forthwith to be unladen, & the several Goods & Merchandizes lodged in proper Stores & Warehouses; that the Ship likewise should be unrigged & the Sailors discharged, & that Notice hereof should with all speed be

given to the Owners of the said Ship & Cargo for their Directions touching the same. And it being represented to the Board that John Inglis, late of the Island of Nevis, Merchant, now residing here, has not only a considerable Intrest of his own in Sugars on board the said Ship, but is likewise well known to most, if not all, of the Shippers of the said Cargoe, & hath also administred on the Effects of the said David Fogoe. The Board are of Opinion, that the said John Inglis is a proper Person to take Charge of the said Ship & Cargoe; but thinking it further necessary that some other Merchant of known Credit & Reputation should be joyned with him, Mr. Plumsted, a Member of this Board, was named, & at the Request of the Council undertook to act herein. Whereupon, It is Ordered, that the said Mr. Plumsted & Mr. Inglas proceed in the premisses agreeable to the Sentiments of the Board on this Occasion.

—

EODEM DIE, P. M.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston,	Ralph Assheton,	Esquires.
Clement Plumsted,	Thomas Griffitts,	
Thomas Laurence,	Charles Read,	

The President laid before the Board the two following written Messages from the House, brought to him about three a clock this afternoon by two Members, which being read are in these Words:

"In the HOUSE OF REPRESENTATIVES, 8^{br} 15, A. M.

"Resolved, That a Message be sent to the President & Council to acquaint them that the House of Representatives of this Province met yesterday according to our Charter of Priviledges & the Law of this Province, & proceeded to choose A. Hamilton, Esqr., Speaker, & this Day have taken the Qualifications enjoin'd by Law.

"And as the Powers of Government are, by the death of our late Governor, devolved on the President & Council, this Message is sent on purpose to acquaint them that if they have any thing to lay before this House which may contribute to the Peace & Prosperity of this Province, & wherein our Concurrence may be proper, the House are ready to receive it.

"B. FRANKLIN, Clerk of Assembly.

[Copy.]

"In the HOUSE OF REPRESENTATIVES, 8^{br} 16th, 1736, A. M.

"This day the Secretary attending without was called in, and he said That he was charged with a Message from the President in Council yesternight to this House, but the House being risen before

he could deliver it, he now said That the Message he had in Charge to deliver was, That the President had acquainted the Council that the House had met & proceeded to choose their Speaker, And that he was now ordered to acquaint the House that the President & Council are now sitting & ready to receive the House with their Speaker.

"And after a long Debate upon the Meaning of the said Message of the President and Council,

"Resolved upon the Question, That we apprehended the Message of the House of yesterday to the President & Council seems to be misapprehended, & therefore to remove that Mistake, Thos. Leech and Wm. Moore are ordered to wait upon the President and Council with a Copy of the Message of yesterday, and to acquaint them that the House will wait upon them at such Hour this Afternoon as they shall think fit to appoint, to know their Mind upon the Subject-matter of the said Message.

"B. FRANKLIN, Clerk of Assembly.

[Copy.]

"The Board having considered the same, & the two Members of the House who brought them now attending for an Answer, they were called in & told by the President that the meaning of the Message of yesterday, delivered this morning from this Board, was That they then were & they now are ready to receive the House of Representatives for their presenting their Speaker according to the Custom of this Province; and to prevent any further Mistake this was reduced to Writing & delivered to the said two Members."

Soon after the whole House waited of the Board, & Andrew Hamilton, Esqr., addressing himself to the President spoke to this Effect:

That upon receiving, by two Members of the House, the Message from the President & Council that they were sitting & ready to receive the House for presenting their Speaker according to the Custom of this Province, the House was now come to wait of the President & Council, & to acquaint them That the Representatives of the Freemen of this Province, elected the first instant, had met on the fourteenth of this month, pursuant to the Law & Charter, & had proceeded to the choice of a Speaker; that having next day taken into their Consideration the said Charter, together with several Laws of this Government, they observed that the President & Council were vested with all the Powers of Government, Legislation excepted, that this Exception rendering most, if not all, of the Requests usually made on presenting a Speaker wholly improper at this time, since between the Board & and the House there Subsists no Relation in a Legislative Capacity, the House did conceive it necessary to make a Presentation of their Speaker in the same manner as had been done to a Governor vested with full Authority;

and therefore having proceeded to qualify their Speaker & themselves, they notified the same by Message to the President, which they believed wo^d have been sufficient; But the House being desirous of maintaining a good Understanding with the Board, & being willing to Satisfy them that it was not from any want of Regard to the President & Council that the House had not presented their Speaker, they were come in a Body to wait of the Board & acquaint them with their Reasons; That he was commanded by the House to assure the President & Council that the omitting to make the Presentation of the Speaker at this time did not proceed from any want of Respect for the President & Council, for whom the House entertained a very great Regard, as well in their publick as private Capacity's, but from the Reasons now given, which the House hoped, when duly considered, would prove Satisfactory.

Whereupon the President spoke to this Effect:

That the Assurances the House had given the Board could not but be acceptable, & he hoped they would prove satisfactory, but as he could now make no Answer for any more but himself, the other Members might, if they pleased, speak their sentiments; That he must observe in Behalf of the Board, that all the Powers of Government being by the Law devolved on the President & Council, who are to exercise the same "as fully & amply as any Deputy or Lieutenant Governor of this Province may, can, or ought to do, Legislation excepted" (these are the Words of the Law), and since every House of Representatives, on choosing their Speaker, are obliged to present him, the Board conceived it incumbent on the House to make the Presentation to the President & Council, who alone are invested with the Powers of Government, and therefore they had sent their Message; but perhaps there might be more in the Reasons offered by the House than the Board had apprehended. That as unanimity on all Hands ought principally to be studied, as most essential to the well-being of Government, for from it the Blessings of Peace and Prosperity chiefly flow, he hoped all Endeavors would be used accordingly to cultivate & improve it.

The House then withdrew and the Council adjourned.

At the Courthouse of Philadia., October 19th, 1736.

PRESENT:

Clement Plumsted,
Thomas Laurence,
Ralph Assheton,
} Esquires.

Thirty-seven Foreigners from the Palatinate, who, with their Families, making in all one hundred and ten persons, were imported here in the Brigantine John, of Perth Amboy, George Frazer, Mas-

ter, from Rotterdam, but last from Dover, as by Clearance thence, were this day Qualified as usual, whose Names were as follows:

Abraham Beer,
Peter Quattel Ban,
Johannes Trans,
Johan Georg. Micklyn,
Johan Lutwig Sil,
Lutwig Tretler Walsteller,
Johan Phillippus Quickell,
Johannes Segel,
Johan Peter Pris,
Johan Michal Qnukle,
Jacob Keller,
Fransisens Josephus Hornig,
Johan Casper Schmidt,
Casper Struvel,
Casper Lombarb,
Georg. Keg,
Paulus Andoni,
Fredrick Clipton,
Johannes Geyer,
Johan Adam Ransch,
Johan Jost Meyer,
Johan Georg. Quickle,
Johannes Sler,
Johan Christfel Shinger,
Peter Kohl,
Daniel Spelter,
Johan Henrich Schmidt,
Jacob Plyger,
Abraham Dumbolb,
Erns Fredrich Dumbolb,
Peter Haas,
Johannes Herr,
Debolt Feit,
Derrich Shutten,
Nicolas Stop,
Peter Vean,
Godfried Eberhard.

At a Council held at Philadia., Nov^{r} 23d, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston,
Anthony Palmer,
Clement Plumsted,
Thomas Laurence,
Ralph Assheton,
Samuel Hasell,
Thomas Griffits,
} Esquires.

The President acquainted the Board that a Discovery had lately been made of an Association or Engagement entered into by several persons living in or about New Garden, in the County of Chester, who having received some Encouragement from the Governor of Maryland, & others in Authority there, had undertaken to oust by Force of Arms those Dutch Families settled on the west side of Sasquehannah, within this Province, against whom the late hostile Preparations of Maryland was intended, and to possess themselves of their Plantations, which they proposed to draw Lotts for, & acknowledging to hold them in Right of the Proprietary of Maryland, they were to defend those Possessions against this Government; that for this End Arms & Amunition were provided & lodged at the House of one Rigby, in Baltimore County, & every thing was in readiness for carrying their Design into Execution; That on making this Discovery a Warrant was issued here by one of the Provincial

Judges, for apprehending several Persons concerned in this unlawfull Association, particularly one Henry Munday, who, from the Information given, appeared to be one of the principal Persons in conducting it, & that such Care & Diligence had been used in executing the said Warrant, that Munday was taken at his House that very day, when he expected a Rendezvous of the Party, & had sundry Papers relating to the Conspiracy lying before him, & several Letters to Persons in Maryland on this subject just finished and ready to be forwarded, all which were, with himself, secured; and one Edward Leet, another of the Persons embargued with him in this Design, being likewise apprehended, they were brought to Town in Custody, & are now under Confinement; but that one Charles Higginbotham, a principal Person in the said Design, had escaped; That as this Matter highly concerns the Peace of this Province & the safety of its Inhabitants, the Board is called together to take the whole into their Consideration, & if they think fitt to examine Munday & Leet, from whose Examinations same further Discoveries may probably be made.

Then were laid before the Board the several Papers which were found with Munday on his being apprehended, to witt:

An Application to him signed by thirty one Persons, in these Words:

"Mr. Henry Munday:

"Sir:—We, the underneath subscribers, being informed that there is some vacant Land & Plantations near Sasquehannah river that were settled by some Dutch Familes, and that the said Land were by them located by Warrants issuing from the Land Office in the Province of Maryland, as of the right & property of the Lord Baltimore; and that since the said Dutch Families hath disclaimed the Right & Property of the said Lord Baltimore, and hath taken Umbrage under the Proprietarys Penns; That we are informed that the absolute Fee & Right to the said Land is within the Limits & Bounds of the Lord Baltimore's Patent or Charter; That the Lord's chief Agent hath, & doth give Encouragement for the resetling the said vacant Plantations & Land. We therefore pray & request, that you will in our behalf & stead interceed with the Governor and Agent to settle us in such vacant Land or plantations, and we shall all be willing to pay such Fee or Rent charge as his Lordship usually demands, and we shall with our Lives & Fortunes defend the same, and be subject to the Laws of his Province, & defend his right, for which service Sr we shall be all your very much oblidged.

"Thomas Charlton,	"Willm Limis,
"John Charlton,	"John Limis,
"Edward Charlton,	"John Coates,
"John Charlton, Jur.,	"Robert Jessop,

"Thomas Charlton, Junr.,
"Arthur Charlton,
"Richard Sedgwick,
"William Betty,
"William Betty, Sr.,
"James Downard,
"James Starr,
"Daniel Oneal,
"George Bond,
"Richd. Ryan,
"Thomas Limis,
"George Moore,
"Robert Moore,
"Gibbons Jennings,
"Thomas Scarlett,
"Willm. Downard,
"James Henthorn,
"Henry Charlton,
"Richard Pope,
"Samuel Williamson,
"John Carter,
"Moses Starr,
"Joseph Moss."

A list of the Names of several Persons, ranged in three Columns, with a Certificate signed by Govr. Ogle, that he had given Instructions to the Deputy Surveyor for laying out two hundred Acres of Land to each, which Names & Certificate are as follows:

"Henry Munday,
"Edward Leet,
"Charl. Higginbotham,
"James Kaine,
"John Smith,
"Hugh Kaine,
"James Nickleson,
"Robert Trotter,
"Robert Rowland,
"Willm. Miles,
"William Greenlee,
"Stephen White,
"John Cross,
"John Kaine, Senr.,
"John Kaine,
"Edward Ryly,
"Patrick Savage,
"Arthur Browlee,
"James Love,
"Anthony Dixson,
"Benjn. Dixson,
"John Morrow,
"Thom. King,
"Ralph Higginbotham,
"John McNabb,
"James McGee,
"Barnibe Clarke,
"Thomas Moore,
"Richard Ryan,
"George Bond,
"Thomas Linass,
"William Linass,
"John Linass,
"John Coats,
"Robert Jesson,
"George Moore,
"Robert Moore,
"Gibbons Jennings,
"Tho. Scarlet,
"William Carpenter,
"Richard Pope,
"Thomas Charlton,
"John Charlton, Senr.,
"Edward Charlton,
"John Charlton,
"Thomas Charlton, Junr.
"Arthur Charlton,
"Henry Charlton, Junr.,
"Richard Sedgwick,
"William Betty,
"William Betty, Junr.,
"William Webb.

on the original { Thomas Dawson, John Dawson.

"Whereas, Application hath been made to me by Henry Munday, Edwd. Leet, & Charles Higginbotham, & forty nine Persons by them mentioned, I have given Instructions to Thomas White, Depty. Surveyor, to lay out, and in the names of the said Persons, two hundred acres for each Person.

SAM. OGLE."

A Letter from Henry Munday, Maryland, to the Revernd. Mr. Jacob Henderson, in these Words:

"Reverend Sir:

"I wrote to you from Annapolis (which freedom I hope you'l

please to excuse with the freedom of this) concerning settling some Persons, Inhabitants here, on vacant Plantations near Sasquehannah. I met with a disappointment in securing a preference or first Choice for them as I proposed, occasioned by the cinister Ends & Practice of two Persons, who made head of a separate Party against me, Notwithstanding I first apprized them of the Design, & they promised me to come in as Copartners. It is agreed that both Parties take their chance by Lotts drawn. The Names of the Persons are ranged in three Columns as directed to the Surveyor, the third column is filled up with the Names Tho. Charlton, John Charlton, Edward Charlton, John Charlton, Junr., Tho. Charlton, Junr., Arthur Charlton, Henry Charlton, Junr., Richd. Sedgwick, William Betty, William Betty, Junr., William Webb; That there is some Persons in the first column whose Character is not so good as could be desired by those now recited, which are Persons I presume well known to you, who hath a Relyance on your Friendship in this Affair, As you being the first that projected the settling the said Lands & Plantations, may have such Influence on the Govern^r. notwithstanding the Directions given for those that did apply to appear at the Place to take Possessions of their several Lotts by the last of this Month. Mr. Henry Charlton had the misfortune to break his Legg, the Journey of your Kinsmen to Virginia, & other Lets & Hinderances of those Persons that beggs & requests your care in using such measures that they may not be precluded or foreclosed from the benefit of the Governor's Grant, notwithstanding they do not appear to draw their Lotts at the time proposed. Your assistance in this will not only oblige those Gentlemen (in whose favour I take the freedom in giving so much trouble) but me, who am,

"Sir,

"Your most obliged humble Servant,

"HENRY MUNDAY.

"London Grove, y^e 14th of November, 1736."

A Paper addressed to Mess^rs. Betties in these Words:

"November y^e 14th, 1736.

"Mess^rs. Betties:

"If Instructions can be sent to Cap^t. Crissop to return so many of the Names of the vacant Plantations, reserving eleven of the best, which is the Number of the third Column, Then every Person that appears to draw hath his equal Chance.

"Y^rs. S^r.,

"HENRY MUNDAY.

"Captain Crissop send to the Parties to come to draw their Lotts by next Saturday."

Several scrolls of Letters being likewise taken with the foregoing Papers, a Copy of the above Letter to Mr. Henderson was found amongst them.

The Board continued the whole under Consideration till to-morrow morning at ten a clock, to which time the Examinations of Munday & Leet are likewise thought proper to be deferred, Munday having voluntarily offered to a Member of this Board to make a full Declaration under his hand of all that he knew of the affair.

At a Council held at Philadia., November 24th, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Ralph Assheton, Anthony Palmer, Thomas Griffitts, Thomas Laurence, } Esqrs.

The Minute of yesterday's Council being read, the Board resumed the Consideration of the Matters then laid before them, & Henry Munday having delivered to a Member of this Board the Declaration he had promised to make of his Knowledge in the Affair, the same was laid before the Board & read, but being unsatisfactory, the Board resolved to examine him on Interogatories, in drawing up of which a considerable time being spent, the Council adjourned to the afternoon.

EODEM DIE, P. M.

PRESENT:

The President and the same Members as in the forenoon.

The Board thinking it proper that Edward Leet should be examined before Henry Munday, Leet was sent for, whose Examination was taken in these Words:

"Edward Leet of the township of Marlborough, in the County of Chester, Yeoman, aged about Seventy-one years, being examined before the Honble the President & Council of Pennsylva., saith:

"That about a month since Henry Munday came to his, Examinant's house, & brought with him a Petition signed by several Persons in the Neighbourhood for some Land, & asked this Examinant's Opinion of the Petition, & whether he would joyn in it; that the Examinant declining to sign it Munday left him; That some few days after Charles Higginbotham came to this Examinant, & acquainting him there were some Lands to be laid out in Maryland, asked this Examinant whether he would not goe with him to Annapolis, & this Examinant wanting not only to take up some Lands for himself but for eight of his Cousins, agreed to accompany Higginbotham, & accordingly they, with John Smith, John Henthorn, Hugh Kaine, John Kaine, & James Nicholson, sett out for

Maryland, but instead of taking the direct way to Annapolis, they went as high up on the East side of Sasquehannah as the Ferry late of John Emmerson, deceased, over against Thomas Cressap's house on the West, & crossing the River there went to Cressap's house, near to which they understood those Lands lay which the Governor of Maryland intended to dispose of; That Cressap being from home his Wife made some difficulty of admitting them into his House, & enquired whether they were friends, & on what design they were come, & they telling her they were come to look out for some Land they were admitted, & lay at that House all night; That next morning their Company took a view of the Lands in the Neighbourhood of Cressap's House, & five of them, accompanied by one —— Lowe, a Relation of Cressap's, went to view the Lands lying further up Sasquehanna, where those Dutch People were setled who were said to have revolted from Maryland, while this Examinant & Higgenbotham viewed some Lands lying back or to Westward of Cressap's; that afterwards pursuing their Journey they came to Annapolis on Saturday the thirtieth day of October last, where meeting with Thomas Cressap, at whose House they had been, he offered to go with them to Governor Ogle, & accordingly being introduced by Cressap, they waited in the evening on the Governor, & acquainted him they were come to treat with him about some Lands on Sasquehannah, & having entred into discourse with Governor Ogle on the Subject, he told them he intended to dispossess the Dutch who were settled there, and for that End he was sending up arms, & would very soon give the necessary Orders to the Sherif; that he, the said Governor, would put this Examinant & the others who applied to him in possession of two hundred acres of Land each, & defend them therein; and some Mention being made of Difficulties which might probably happen in turning off the Dutch, the Governor named two Persons of Pennsylvania, whose Names this Examinant does not distinctly remember, but believes they were Blumston & Wright, for apprehending of whom he, the said Governor, offered a Reward of one hundred pounds for one of them, & Fifty pounds for the other; that Higginbotham hereupon told the Governor he knew one of them, & made no doubt but he could find means to gett him apprehended, and the Governor having appointed this Examinant & Higginbotham to attend him next Monday, they left him and went to their Lodgings, where they understood from Thomas Cressap that he had come to Annapolis to receive, & actually had received on board a Sloop a considerable Quantity of fire arms, Powder, & Ball, which were to be carried into Baltimore County to be used in dispossessing those Dutch People who had revolted from Maryland; that three Drums & two Trumpets were sent by Land by certain Dutch Men who were then there; That Henry Munday coming to Annapolis & attending Governor Ogle with them on Monday the first instant, he, the said Henry Munday, presented a Paper to the Governor, sign'd by several Persons for those Lands on Sasquehannah, & appeared to be much dissatisfied with Higginbotham for being before

hand with him in the application to Governor Ogle. That this Examinant saw & heard the Paper or Petition then delivered by Henry Munday, which he, this Examinant, verily believes to be the same now shewn unto him at the Board, & this Examinant further says that he saw Governor Ogle sign the writing on the Paper now produced to him where the Names of the Persons applying for Lands are ranged in three columns, & likewise saw him sign the Order to the Surveyor for the Lands to be laid out, which to each Man was to be two hundred acres; That Governor Ogle told them he had ordered arms for them, & in a month's time would cause possession to be given, in which he would maintain them, and give them good Titles under Maryland; That this Examinant & Higginbotham returned to Pennsylvania the shortest way, but the other five of the Company went up Sasquehannah, & crossing at Emmerson's Ferry returned the same way they went; That this Examinant having some Reason to apprehend Difficulties in this settlement on Sasquehannah resolved to lay aside all further thoughts of the matter, and adhering to that Resolution he declined being at Munday's house on the fifteenth instant, where he understood several of those who had applied to the Governor of Maryland were to meet, and this Examinant hearing of Munday's being apprehended, & judging some Information was likewise given against him, this Examinant was so far from endeavouring to keep out of the way that hearing the Sherif & officers were at a publick House in the Neighbourhood he went to them and surrendred himself.

" EDWARD LEET.

" Taken in Council at Philadelphia the twenty-fourth day of November, 1736. JAMES LOGAN."

The Council adjourned till to-morrow afternoon, then to proceed on the Examination of Henry Munday.

November 25th.

The President being indisposed, a Committee of the Council mett, & having sent for Henry Munday, took his Examination to be laid before the Board at their next meeting.

At a Council held at Philadia., November 27th, 1736, P. M.

PRESENT:

The Honble JAMES LOGAN, Esq., President.

Samuel Preston,	Ralph Asshcton,	Esquires.
Clement Plumsted,	Samuel Hasell,	
Thomas Laurence.	Thomas Griffitts,	

The Minute of the preceeding Council being read & approved,

The Committee who had taken the Examination of Henry Munday reported the same this day to the Board, which follows in these Words:

"Henry Munday of London Grove, in the County of Chester, Sadler, aged about forty-eight years, being examined before a Committee of the Council of Pennsylvania, saith:

"That about the latter End of September last, Thomas Thomson of London Grove, in the County of Chester, informed this Examinant that having been in Company at the house of one William Miller, in New Garden, in the said County, with the Revd Jacob Henderson, Minister in Maryland, to whom the said Thomson is Brother-in-Law, & with Benjamin Tasker, Esqr, who were then on their Road towards Philadelphia, the said Thomson had mentioned his Desire of having some Settlement for himself & his Sons, whereupon Mr. Tasker had wrote a Letter to some Person in Maryland & gave the same to Thomson, the import of which Letter, as Thomson informed this Examinant, was, that the Person to whom it was directed should show Thomson & his Son some Lands on Sasquehannah; That the said Thomson, with John Star & William Downard, went towards Lancaster, in Pennsylvania, with the said Letter, & crossed Sasquehannah; That Star proceeded to Annapolis, & Thomson & Downard returned, who told this Examinant that they had been over Sasquehannah with one Cressap, to whom this Examinant believes Mr. Tasker's Letter was directed, that Cressap had shewn them some vacant Plantations, & some that were inhabited by Dutch People, with a very large Tract of good Land, & that they had sent Star to Annapolis to treat with the Governor about these Lands & Plantations; That Star on his Return from Annapolis informed this Examinant that Governor Ogle had agreed to grant the said Plantations & Lands to Star, Thomson, Downard, Thomson's two Sons, & these other Persons who are Friends or Relations of Star & Downard, to witt: James Star, Ja. Hinthorn, John Hinthorn, Nathaniel Dawson, James Downard, and one —— Savor, an Attorney at Law, & Orders were issued to Mr. White, the Surveyor of Baltimore County, for laying out two hundred Acres to each Person; That this Examinant was informed the Plantations of the Dutch on Sasquehannah were become vacant by their disowning the Government of Maryland, and that some of those Plantations had been deserted. This Examinant says, that Willm Downard having told this Examinant that sundry Persons were desirous of settling on these Lands on Sasquehannah, proposed to this Examinant to draw up some thing for such Persons to sign, and accordingly this Examinant wrote the Paper addressed to himself, now produced, signed by thirty-one Persons, to several of whom this Examt carried the said Paper and got it signed, & others signed it at this Examinant's house, and this Examinant, at the desire of others, wrote their Names to it; That this Examinant went to Annapolis with the said Paper about the *latter end of October*, and came there

on Sunday afternoon, and meeting with one Mr. Wye, a Minister, he went with him to the house of Mr. Humphry's, the Minister of Annapolis, but says he spoke nothing of his Business to these Gentlemen; That on Monday morning this Examinant fell in with Edward Leet and Charles Higginbotham, in whose Company Cap^{t} Cressap (as he is called) was, & with them this Examinant went to wait on Governor Ogle (this Examinant having understood that Leet & Higginbotham had been with him on the Saturday before), and this Examinant having put into the Governor's hands the Paper signed by thirty-one Persons, some Dispute arose between this Examinant & Higginbotham, who insisted that the preference in chusing the Lands should be given to those for whom he & Leet had applied; but at Last a List of all that had applied being made to the Number of forty-nine Persons, Governor Ogle signed the Writing thereupon now shown to this Examinant, & it was agreed that each Person of both Parties should have two hundred acres, & that they should take their Chance by Lott; This Examinant says that Gov^{r} Ogle told them that the Dutch settled on Sasquehannah had taken Grants from Maryland—that they were within Maryland, but that being perswaded by some Persons living in Lancaster County, in Pennsylvania, those Dutch People had revolted; that he intended to give Orders to the Sherif to dispossess them & put those that had applied now to him in possession of their Lands, in which he promised to support & defend them; That Governor Ogle said as soon as matters were got in Readiness, notice would be sent that all the Persons might be acquainted where & when they should meet; That this Examinant was but once with Gov^{r} Ogle, & having wrote a Letter to Mr. Henderson, acquainting him with what passed at Annapolis, & that more Relations of his were come into Pennsylvania who wanted Settlements & desired his Friendship in assisting them, he left Annapolis, & with Leet & Higginbotham came as far as John Williams' Ferry on Sasquehanna, where he parted with them, they continuing their Journey homewards & this Examinant following next day; That this Examinant upon his Return sent notice to several of the Persons in whose Names he had applied to meet him, & accordingly on Monday the eighth instant, these Persons, to witt: Robert Ryan, John Coats, George Moore, Henry Charlton, Richard Sedgwick, William Betty, & William Betty, Jun^{r} met at the House late of Moses Harlan, now possessed by Thomas Limis, one of the signers of the Petition, to whom this Examinant related what he had done at Annapolis, & show'd them what the Governor had signed, & that the Governor had promised to Order the Sherif to put them in possession, & that notice would be sent when they should come together, with all which those Persons whom this Examinant met appeared to be pleased; That this Examinant appointed another meeting on the fifteenth instant, the day he was apprehended, at which time he intended to have proposed that they should fix on some Person to goe in their behalf to

Maryland to see if the Draughts of the Land were got ready, & to know what time the Governor of Maryland would appoint for their coming together, & that they might draw Lotts for their several Settlements.

The Examinant, being shewn the Letter to Jacob Henderson, acknowledges the same to be his own handwriting, & likewise that to John Williams, & the note addressed to Mess^rs Betties, in which this Examinant desires that Cressap should send to the Parties to come & draw their Lotts by next Saturday. The Examinant being asked what the Paper was which in his Letter to Williams he calls the proceedings of Lord Baltimore & proprietary Penn's Case, says it was a written Paper which he had of one Andrew Caldwell, of Kent county, in Maryland. This Examinant being asked about his acquaintance with Col^o Rigby, says he had none with him before this Journey to Annapolis; that on going thither, he went to Col^o Rigby's with an intention to secure his friendship in obtaining a Preference for himself, this Examinant, & his friends, in taking up the Lands on Sasquehannah; that Rigby wrote nothing by him, but encouraging this Examinant in his Design, desired his Compliments to Governor Ogle; that this Examinant afterwards went to the House of Mr. White, the Surveyor of Baltimore County, for the same purpose, but not finding him at home, The Examinant left a Letter for him, with the Names of sundry Persons for whom he desired a preference in the Disposal of these Lands. This Examinant being asked if he knew of any arms being lodged at Rigby's, or in that Neighborhood, says he knows of none, but Higginbotham told him that several Arms were ordered, & Drums & Trumpets sent up.

"HENRY MUNDAY.

"Taken before Us, a Committee of the Council, at Philadelphia, Novem^r 25th, 1736.

"SAMUEL PRESTON,
"RALPH ASSHETON,
"SAMUEL HASELL,
"THOMAS GRIFFITTS."

The President then laid before the Board a Letter he had just received from Lancaster County, by two Messengers from thence, who gave an Account, that in pursuance of the Warrant issued by the Provincial Judges for apprehending Thomas Cressap for the Murder of Knowles Dant, committed some time since, The said Cressap was taken, with four others who abetted him in resisting the Sherif of the county, & those who assisted him in the Execution of that Warrant; that one of the four, standing charged with a Rape in the said County of Lancaster, was committed to the Goal there; that the Sherif, with a proper Guard, was bringing Cressap & the other three to Town, & that for what had further happened on this Occasion they referred to the Advices contained in the said

Letter from three of the Justices of that County, which being read, sets forth,—

That the Magistrates of Lancaster County, upon considering the Danger where with those parts of that County lying on the West of Sasquehanna, near to Thomas Cressap's Settlement, were threatned, if he should be joyned by those who had lately entred into a Combination for dispossessing the Dutch settled there, & having likewise understood that he had applied to Col^{a} Rigby, a Justice of Maryland, for more Arms & Ammunition, they the said Magistrates judged it absolutely necessary that all possible Means should be used to apprehend the said Cressap, pursuant to the several Warrants issued against him for the Murther of Knolles Daunt; that the Sherif of Lancaster, having called to his Assistance twenty four Persons, went over Sasquehannah on tuesday night, the twenty third instant, in order to be at Cressap's early next morning, & to have taken him by Surprize, but they being discovered, Cressap secured himself in his House, & having six Men with him, he stood on his Defence; That the Sherif read the Warrant to Cressap, & required him to Surrender, but he & those with him swore they would defend themselves to Death; that the Sherif finding all perswasive Means ineffectual, sent for more Assistance, but Cressap had so fortified his House, & fired so furiously on the Sherif & his Company, that they could not storm the House without the utmost Hazard, there being near a hundred fire arms in it; that they had endeavoured to perswade some of those who were with Cressap to desert him, but they had taken an Oath to stand by one another, with a Resolution to kill any that offered to capitulate; one however found means to desert him by getting out at the Chimney; That the Sherif & his Assistants having waited till near Sunsett, & finding they must either return without executing their Warrant, or destroy the House to come at him, they sett fire to it, but offered to quench it if he would Surrender; he nevertheless obstinately persisted in his Refusal, neither would he suffer his Wife & Children to leave the House, but fired at those who proposed it; That when the Fire prevailed, & the Floor was ready to fall in, he & those with him rushed forth loaded with Arms, which, as they fired at the Sherif & his Assistants, they threw away, & in this Confusion one of Cressap's Men, Michael Reisner, shot down by Mistake another of the Gang, named Lauchlan Malone, on whose Body the Coroner was taking an Inquisition; That Cressap was at length apprehended, & it had since appeared that he intended to have had his Wife & Children burnt in the House, & that during the time of action he sett his Children in the most dangerous places, & had provoked the Sherif's Assistants to shoot at them; That of the six persons who had thus joyned with Cressap, one gott out at the Chimney, & another was killed as has been mentioned; three are now sent down hither with Cressap, & the sixth having been accused of a Rape in Lancaster

County, for which he had fled & taken Refuge with Cressap, stands committed to the Goal of that County; That by good Providence neither the Sherif or any of his Assistants had suffered any Harm, except one, John Capper, who was shott thro' the Shoulder; That nothing but absolute Necessity, & the Preservation of so many innocent families, whose Ruin seemed to be determined upon, could have obliged the People to proceed to such extremities in the taking of this wicked Man; that his behaviour has since shewed that he will stick at nothing to gratify his Resentments, & therefore unless strict Care is taken, it may justly be apprehended that he will attempt either firing the Prison or any other desperate Actioh that he can find means to compass.

The Board being informed that the Prisoners were brought to town & delivered by the Sherif of Lancaster to the Sherif of this City and County, he was sent for, & attending accordingly, was called in & admonished by the President to be particularly carefull in securing the said Prisoners & keeping them apart from each other; that Cressap standing charged with Murder, & there being Reasons to apprehend, from the wicked Disposition he had shew'd since he was taken, that he might sett fire to the Goal, or do some further Mischief if he could by any means compass it, that therefore he should be put in Irons & closely confined in the most secure place, but that he & the others should be supplied with what was necessary for them. The Sherif then withdrew.

A Petition of William Downard, one of the Persons named in the Examination of Munday & Leet, was laid before the Board & read, setting forth that his Wife & Children having been guilty of some abuses towards the Sherif of Chester, who had come to the Petitioner's House with a Precept to take him, Warrants were issued against them as Rioters, and they had thereupon absconded, that this matter hapned when the Petitioner was from home, & entirely without his Knowledge, that he and his family must be utterly ruined if they are proceeded against according to law, & therefore praying some Compassion may be extended to him & his family.

The Board hereupon not only took into Consideration how far it would be proper to show some Lenity to that family, but likewise, in what manner the several other Persons concerned in the late unlawfull Association should be proceeded against; and the Matter being duly weighed, It is the Opinion of the Board that the Design being now in all appearance frustrated by the apprehending of the Persons chiefly concerned therein, and there being reason to believe that many of the others were unwarily seduced into it, without considering its Tendency or the ill Effects it might produce, It may therefore be more advisable to treat them generally with all the Lenity consistent with the safety of the Government, than to prosecute them with Rigour according to their demerits: Whereupon,

It is Ordered, that a Letter be wrote to the Magistrates of Chester County, who are to meet at their Quarter Sessions of the Peace the 30th instant, that they call all or as many as possibly they can of the said Associators before them, and take their several Examinations apart, letting them know that according to the Candour of their Confessions they may expect favour; and such as the said Magistrates shall find free & open in their Discoveries, & disposed to live for the future in due Obedience to the Government, may, on a Submission for their present Offence, be discharged without a Prosecution, which, by reason of the Poverty of many of them, might utterly ruin their families; And a Letter to this purpose is ordered to be prepared.

The further Consideration of the Proceedings in Lancaster is adjourned to Monday morning at nine a Clock.

At a Council held in Philadelphia, November 29th, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell, } Esqrs.
Thomas Laurence, Thomas Griffitts, }

The Minute of the preceeding Council being read & approved,

A Draught of the Letter to the Magistrates of Chester County thereby directed was laid before the Board by the Secretary, which being read was approved, & the President is desired in behalf of the Council to sign the same, in these Words:

"Philadelphia, Novem^{r} 29th, 1736.

"Gentlemen:

"The seasonable Discovery of the late wicked Design, which from the Encouragement of our unkind Neighbours of Maryland was sett on foot & upon the Point of being carried into Execution, for ousting by Force of Arms those Dutch Families settled on the west side of Sasquehannah, in the County of Lancaster, within the unquestionable Bounds of this Province, and the apprehending of some of the Persons who were principally concerned in promoting within your County the Association for this Purpose, having for the present, we hope, defeated the evil Intentions of those who by such practices would have introduced the utmost Confusion and Disorder amongst His Majesty's Subjects of this Government, We have had it under our Consideration in what manner those Disturbers of the Publick Peace ought to be proceeded against, and altho' we are clearly of Opinion that the Offence is of so heinous a Nature as would well justify a severe Prosecution of every one concerned in it, yet as there is some Reason to believe that many of them were, by the Artifices and Misrepresentations of the Ringleaders,

unwarily led into the Design without considering its Tendency or the ill Effects it might produce, we are unwilling that these misguided Persons should be equally subjected to a Prosecution with those who are more criminal; And, therefore, we think it proper that you call before you as many of the said Associators as possibly you can, & take their several Examinations apart, letting them know that according to the Candour of their Confessions they may expect Favour; & such of them as you shall find open and free in their Discoveries, and disposed to live for the future in due Obedience to this Government, may, on a submission for their present Offence, and becoming bound on their own Recognizance for their good Behaviour, be discharged without a Prosecution, which, by Reason of the Poverty of many of them, might utterly ruin their Families. And of your Proceedings herein acquaint us, who are

"Your Loving Friends."

The Consideration of the late Transactions in the County of Lancaster being resumed, the Board maturely weighing the unhappy Consequences that may ever ensue on a Continuance of those Disturbances of which, in the present Posture of affairs, there seems to be no Prospect of an end, are of Opinion that the Assembly should be forthwith called to meet & joyn with this Board in a Representation of the whole to His Majesty in Council, that by the Interposition of the Royal Authority an effectual stop may be put to those Disorders; and accordingly, It is Ordered, that Writts be immediately issued for calling the Assembly to meet at Philadelphia the sixth of December next.

And it is left to the Judges who issued the Warrant for apprehending Cressap, to proceed against him and those who were taken with him agreeable to Law.

At a Council held at Philadia., December 6th, 1736, P. M.

PRESENT:

The Honble JAMES LOGAN, Esquire, President.

Samuel Preston,	Samuel Hasell,	Esquires.
Clement Plumsted,	Thomas Griffitts,	
Ralph Assheton,		

The Assembly being called to meet this day, the President laid before the Board a Draught of what he proposed should be said to the House, & added, that he conceived it might be more proper to send it to them by Message, than to desire their Attendance & deliver it as a Speech. And the said Draught being read was, with some small alterations, approved, & the Method of laying it before the House as proposed by the President being agreed to, It is Ordered that the same, signed by the President, be carried into the

House to-morrow morning, together with the several Letters & Papers that have been before this Board relating to the late Transactions on the west side of Sasquehannah; Which Message is as follows:

"Gentlemen:

"It may probably have been some surprize to you, to find yourselves called to meet in Assembly so soon after your late Adjournment, but we could not but believe it would be agreeable to the People in general, that their Representatives, who are no less immediately concerned in the Preservation of the Publick Peace, & whatever may affect the Quiet & Safety of the Inhabitants, than this Board should, on any extraordinary Emergency, have as early an Opportunity as posible of meeting & deliberating on such measures as may be necessary.

"The Occasion of your being convened at this time is this:

"You cannot be ignorant, Gentlemen, of the many unhappy Disturbances which, by the unkind Proceedings of our Neighbours of Maryland, have been sett on foot & encouraged within this Province ever since the first Notice we had of an Agreement being concluded between the Proprietaries on each side for determining their Boundaries & putting an End to the Differences that then subsisted.—Occasions of Contention from that time appear to have been industriously sought for by the Government of Maryland, who have given Proofs that they were determined, at all Events, to quarrel with us. But the Measures lately concerted, the Execution of which, by a providential Discovery, has been prevented, cannot but affect every Man who regards the Quiet of his Country & has any Sense of Humanity. A Scheme was laid for dispossing no less than threescore Families who live within the unquestionable Bounds of this Province, for no other Reason than that those poor People having been, by the Artifices & specious Promises of some Emissaries of Maryland, led to believe they were seated in that Province, had, on discovering their Error, been so just as to acknowledge their lawfull Proprietors, to whom, at their first Arrival, they had engaged their Fidelity, & to own that Government of which, without Question, they were Inhabitants. And what heightens the Wickedness of this Scheme is, that it was to be excuted about this time, when, from the usual Rigour of the Season, these poor Families must have suffered inexpressible Hardships, & probably have perished thro' Want & Cold. Of all which, and what has further ensued on the general Consternation & Alarm which this Discovery has occasioned, the Papers herewith delivered will more fully inform you; and as it is not to be doubted but if this Design had taken Effect it would have soon been followed by others of the like Nature against many more Families, since Maryland may form equal Pretentions against a very great part of this Province, it will be absolutely necessary that we should jointly come into such Resolutions as may give us

the most reasonable Prospect of putting an effectual Stop to those Violences, which must involve Numbers of the King's innocent Subjects in Confusion & Disorders, not only calamitous in themselves, but such as must render a Government or People who in any manner contribute to the same, or labour not by all due Methods to prevent them, obnoxious to His Majesty's just Resentment."

Mr. Bordley, a Gentleman of Maryland, attending without with a Message for the President & Council, was called in, and acquainted the President that he was sent by Mr. Jennings & Mr. Dulany, who were just come to town from Annapolis, with their Compliments to the President & Council, & to acquaint them, that having received some Commands from the Governor of Maryland, they desired to know when they might have an Opportunity of waiting on the President & Council.

The President having enquired where the Gentlemen lodged, told Mr. Bordley that Notice should be sent to them to-morrow morning.

A Message was brought from the House by two Members, that, pursuant to the Notices given by the Sherifs of the respective Counties to the Representatives, they were mett in Assembly, & ready to receive & consider such matters of Importance to this Province as the President & Council had to lay before them. The President desired these Members to acquaint the House that to-morrow morning they should hear from this Board.

At a Council held at Philadia., December 7th, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell, } Esqrs.
Clement Plumstead, Ralph Assheton, }

The Secretary is ordered to wait on Mr. Jenings & Mr. Dulany with the Complim^{ts} of this Board, & to acquaint them that it being a very busy time at present, the Assembly being mett & the County Courts sitting, in the attendance of which last most of the Gentlemen of the Council, as Justices, being engaged, the President had just been able to gett a Quorum of the Council together this morning, who were ready to receive what these Gentlemen (of Maryland) had to deliver; and the Secretary being returned, reported that he delivered the said Message to Mr. Jenings & Mr. Dulany, who said they were obliged to the President, and would wait on him & the Council this forenoon.

The Secretary further reported, that according to Order, he had delivered to the House the written Message of the Board, with sundry Papers relating thereto.

Mr. Jennings & Mr. Dulany attending, were introduced, & Mr. Jenings delivered to the President an open Letter from the Lieu^{t} Governor of Maryland, which being read is as follows:

"Gentlemen:

"The horrid Cruelty lately exercised by a considerable Number of your Inhabitants, headed by the Sherif of Lancaster County, in burning the dwelling House of Cap^{t} Cressap, in Baltimore County, down to the Ground, & in seizing some & murdering Others of the unhappy Wretches who endeavoured to make their Escape from the Flames & defend themselves from those Monsters of Men, calls so loudly for the most Exemplary Justice, that I have nominated & appointed Edmund Jenings, Esq^{r} Secretary, and Daniel Dulany, Esq^{r} Comissary General and Attorney General of this Province, to represent to your Board this barbarous Transaction in the manner it has appeared to me, and in the name of His Majesty & the Lord Proprietary of this Province, to request the Assistance of your Government for effectually bringing to a just Punishment the inhumane Actors & Abettors of that savage Violence, as well as for restoring to Liberty & to a full Compensation for all their Hurts & Damages, the Persons of such who were hurried away into Confinement, & perhaps may be there still detained by that Outragious Multitude.

"As I cannot doubt your ready & hearty Concurrence in an affair which, in the Safety and Preservation of all His Majesty's Subjects in these His Dominions, so much concerns the Royal Dignity, I must entreat you to have Faith & Confidence in whatever those Gentlemen, Edmund Jenings & Daniel Dulany, may request from, or propose to, your Board on this Subject.

"On the part of this Government, I am,

"Gentlemen,

"Your most obedient humble servant,

"SAM. OGLE.

"Annapolis, 1st December, 1736."

Addressed:

"To the Honble JAMES LOGAN, Esq., President, & the Council of the Province of Pennsylvania."

Mr. Jenings then said, as their Governor's Letter was intended to gain Mr. Delany & himself Faith and Confidence from this Board, as Persons appointed to treat on the Subject contained in the said Letter, they had in pursuance of that Appointment drawn up a Paper which they craved Leave to deliver; and Mr. Jenings delivering the same in at the Board, the President, casting his Eye over it, told them it was long, & would require time to be considered & answered, and added that they should be heard by the Board as to whatever further they had to offer.

They then withdrew.

And their Paper being read is in these Words:

"To the Honble JAMES LOGAN, Esqr., President, and the Council of the Province of Pennsylvania.

"May it please your Honours,—

"The Governor of Maryland having been pleased to nominate & appoint us, the undersigned, to represent to this Honourable Board the horrid Cruelty exercised by a considerable Number of your Inhabitants, headed by the Sherif of Lancaster County, in burning the dwelling House of Capt Thomas Cressap, in Baltimore County, down to the Ground, and in seizing some and murdering others of the unhappy Wretches who endeavoured to make their Escape from the Flames & defend themselves from those Monsters of Men, and also to request the assistance of your Government for effectually bringing to a just Punishment the inhumane Actors & Abettors of that Savage Violence, as well as for restoring to Liberty & to a full Compensation for all their Hurts & Damages, the Persons of such who were hurried away into Confinement, & perhaps may be there still detained by that Outragious Multitude.

"We, in pursuance of such nomination and appointment, do now lay before your Honours the general State of that extraordinary Proceeding, as it appears to the Governor of Maryland:

"That on Wednesday, the 24th of the last month, one Samuel Smith, the Sherif of Lancaster County, in the Province of Pennsylvania, with several others to the Number of about Forty, who all pretended to be inhabitants of Pennsylvania, armed with Guns & other Weapons, beset the House of the Said Thomas Cressap, in Baltimore County, in the Province of Maryland, from Morning till the Evening, and then burnt it down to the ground.

"That when the House was on Fire & just before it fell in, the said Cressap, with his Wife & Children & some Men in the House, came out, upon which several Guns were discharged, and the said Smith & his Company seized the said Cressap and some of the Men who had been in the said House.

"That the said Cressap was wounded, & one of the Men who had been with Cressap in the said House was killed; that all the Goods & Cloaths (Except those on their backs) belonging to the Persons in the House were destroyed by the Fire.

"A Fact thus Circumstanced & Perpetrated by the Influence & Presence of Men assuming the authority of Officers of Justice, needs no Colours to heighten the Blackness of it, or Words to raise that Horror & Indignation which every humane Breast must feel at the bear Relation.

"This action of such Barbarity, so destructive of all bonds of Society, & so daringly contrary to those very Laws which His most Gracious Majesty, the Royal Father & Protector of His People,

makes His Rule, and inviolably preserves for the Safety & Happiness of all His Subjects, leaves us no Room even to suppose any of this Honourable Board can give the least countenance to it. From hence we have the firmest assurance that your Honours, who live & act in your Station of Government under the blessed English Constitution, which so rightly Distinguishes Liberty from Licentiousness, will, with the greatest Alacrity & Earnestness, assist the Government of Maryland in bringing these presumptuous Violaters of all Rule & Order to an exemplary Punishment; and that for so good a Purpose, This Honourable Board will readily concurr with the Request & Desire we have in Command, and now make to your Honours, That this Board would be pleased to enjoyn the most diligent Search & Discovery to be made of all the Persons concerned in that horrid violence. And that the said Sherif, & such & so many of the other Incendiaries & Murderers as can be found within your Government, may be immediately apprehended & Delivered over to the Officers of Justice in the Province of Maryland, who have orders to Receive & Secure them, that they may be forthcoming to their Tryal in that Province, where the Fact was committed.

"And also, that the said Cressap & every such Person who was so seized after the burning the said House, & are still under any Confinement within your Government, may by the proper authority be immediately released, and such Methods pursued as may make the unhappy sufferers ample Compensation for their grevious Losses & Damages to their Persons & Estates.

"Thus, by the united Endeavours of both Governments, every insolent Invader of the Lives, Liberties, & Properties of His Majesty's Subjects will be deservedly Discouraged, & meet with the just Reward of their Wickedness. Peace & Safety, instead of Fire & Sword, may be established on the Borders of each Provine, and the Glory of procuring these great & desirable Ends will redound to your Honourable Board, by a ready Disposition and sincere Intention of perfecting the same.

"EDM. JENINGS,
"D. DULANY.

"Philadelphia, Dec^{r} 7th, 1736."

Which, together with the Letter aforesaid, are continued under Consideration.

At a Council held at Philadia., December 8th, 1736, P. M.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell, Clement Plumsted, Thomas Griffitts, Ralph Assheton, } Esqrs.

The answer of the House of Representatives to the Message of this Board having been delivered to the President, was by him now laid before the Board, & being read is in these words:

"To the Honourable James Logan, Esqr., President, and others, the Members of the Council of the Province of Pennsylvania,

"The Answer of the Representatives of the Freemen of the said Province in General Assembly met, to the Message of the Council of the sixth Instant.

"May it please the President & Council:

"It will no doubt be always agreeable to the People of this Province in general that their Representatives should have the earliest Opportunity of meeting when, at any time, the preservation of the publick Peace & the Safety of its Inhabitants render their Deliberation & Concurrence necessary.

"The Papers communicated to us from your Board sufficiently demonstrate that Necessity on this extraordinary Emergency, And it gives us great Concern to find the Peace & Tranquility which so long subsisted amongst us frequently interrupted of late by the unkind Proceedings & unhappy Disturbances set on foot & industriously promoted by our Neighbours of Maryland.

"The Duty, therefore, which we owe to the Crown, our hearty Desires for preserving the Reputation which this Government has long & justly acquired for the peaceable Disposition of its Proprietaries & Inhabitants, & the faithfull discharge of the Trust reposed in us by those we represent, all concur to induce us to be of Opinion with you, that it is absolutely necessary, and we are ready & willing to unite our Endeavours with yours in all just Measures which are agreeable to our religious Principles, & which may be most likely to put an effectual Stop to these Violences, the continuance of which, as you well observe, might involve Numbers of the King's innocent Subjects in Confusion & Disorder, & render the Government obnoxious to His just Resentment, should they not contribute the utmost in their Power to prevent them.

"Signed by Order of the House,

"A. HAMILTON, Spcaker.

"Philadia, Dec. 8, 1736."

The President also informed the Board that the Members of the House at delivering the aforegoing answer, said they had it in Charge from the House to acquaint the President & Council that the House had chose to express themselves in a general way, expecting that if any particular Method were thought of it should arise from this Board, and that if it is judged proper that any thing should be drawn up in writing, the House would appoint a Committee to joyn this Board, or such a Number of its Members as should be appointed for this Purpose.

While the Board were deliberating hereupon, a further Message was brought from the House by four Members, acquainting the Board that the House having again had under their Consideration the several Papers sent down from this Board, & finding thereby that the Government of Maryland had not shewn any real Disposition on their part to enter into amicable measures for preventing further Differences between the two Governments, the House had therefore come to a Resolution that an humble Address should be prepared & transmitted to the King, praying His Royal Interposition for putting a stop to these Disorders, and that the House had named a Committee to joyn such Members of this Board as should be thought proper, in order to proceed on the same.

The President acquainted the Members of the House that the Board had come to a like Resolution touching the Necessity of such an application to His Majesty, and he appointed to-morrow morning between nine & ten for the Committee to meet at his House, where some Members of Council would be ready to joyn them.

The Consideration of Governor Ogle's Letter and the Paper delivered by Mr. Jennings & Mr. Dulany was then resumed, and a considerable time being spent thereon, some general Heads of an answer were agreed on, and the President is desired to prepare the same.

At a Council held at Philadia., December 10th, 1736.

PRESENT:

Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell, Clement Plumsted, Thomas Griffitts, Ralph Assheton. } Esquires.

The Petition to His Majesty, prepared by a Committee of this Board & of the House of Representatives, being laid before the Board, was read & Ordered to be given to the Committee of the House, that the same may be reported there.

The President's Draught of an Answer to the Paper received from the Gentlemen of Maryland being then laid before the Board & considered, some amendments were made and a fair Copy ordered to be transcribed and brought in by the afternoon.

EODEM DIE, P. M.

PRESENT:

› the President, & the same Members as in the fore-

ıt of the answer as amended being brought in & ma-
ıred, the same was fully concluded & agreed on, and
is desired to sign the same in behalf of this Board,
accordingly, and it is Ordered that the Secretary wait
men of Maryland & acquaint them that the Business
ɔly having taken up a great part of the Time of this
ıd not been able to finish their answer sooner; that it
ıning they would not give the Gentlemen the trouble
but that to-morrow morning they might receive it
ident & Council. Which Answer is in these Words:

nd Jenings and Daniel Dulany, Esq^rs

:

nothing you can propose to us consistent with Reason
t may contribute to the establishing of a good Under-
reen the two Provinces of Pennsylvania & Maryland,
ihould not readily & chearfully concur with you for
good an End, but we are perswaded you have not con-
ature and Consequences of what you now desire of us,
proposed it without any possible Expectation of our

we should deliver up to the Officers in Maryland the
ıcaster county, with all those who assisted him in the
f apprehending Thomas Cressap, for that it was done
Baltimore County, in the Province of Maryland, and
ought to be prosecuted in that Government, but it is
hat the government of Pennsylvania never acknow-
ace of his Settlement to be in Maryland, for we are
ə contrary, nor did any of your Lord Proprietors, as
possibly learn, ever claim it till after his present Lord-
ɛmn Agreement, had fully & absolutely released to our
ot only all that part of the Country but many miles fur-
ıuthward; Which Agreement, since the Expiration of
ɛd for carrying it into Execution, has not only been de-
the Opinion of divers of the ablest Counsel in England,
ensible that upon a hearing of the Lord Baltimore's
ɛ the King in Council, on the Subject of his claims,
allowance of that great Authority carried into Suit in
urt of Chancery, the Supreme Tribunal for Original
determined there, where it is now depending; your
efore directly implying that while our Proprietors are
ı of that Suit, this Government should as far as in us

lies make void that Agreement; we are perswaded you will not suppose we could be guilty of so unaccountable a Procedure.

"As to the Action, we own it was violent, & such as this Government never would encourage, but the Case was extremely singular, and the Provocation & Incitement such as we presume have rarely, if ever, been known in an English Government before. A most inhumane scheme was laid in Maryland, of which we have incontestable Proofs, to throw out of their Dwellings, & expose to all the Rigours of a severe Winter Season, about threescore innocent Families, Women & Children, & bring Strangers who had not the least Claim of Right into the Possession of their Houses, Plantations, & Fruits of all their Labours, on no other Pretence or Charge against them, than that they had disowned the Jurisdiction of the Lord Baltimore; that is, that those poor ignorant Foreigners who had transported themselves from Germany into Pennsylvania, had here taken the Oaths of Allegiance to His Majesty, & engaged their Fidelity to our Proprietors, having been imposed on by Cressap & such Emissaries, to believe the River Sasquehannah was the Boundary between the two Provinces, & that the west side of that River was Maryland, on their passing over thither, & settling on that side, on the fair promises made them, acknowledged that Government, tho' 'tis affirmed they never had any Grant from it for the Lands they lived on; And then on their discovering their Error, & the Abuse put upon them, they had thought themselves obliged in Conscience to declare to the Government of Maryland the Sense they had of their Mistake, & to own their rightfull Proprietors. Whereupon an armed Force of about three hundred Men was sent up by your Governor in an Hostile Manner, with Beat of Drum & Sound of Trumpet, to awe those poor People into a Complyance with his Designs, & to terrify his Majesty's Subjects in that part of the Country. But this Expedition proving fruitless, the above-mentioned wicked Scheme was soon after concerted. And what a horrid Scene of Cruelty & Desolation must have ensued on that attempt to dispossess those People, who could not avoid resisting & defending themselves to the utmost against so barbarous an Invasion, may be easily conceived, & must truly raise a Horror in the Breast of every Man who has any Sense of Humanity, or but the least Regard to Justice, as it must have justly surprized our other Inhabitants of those parts, who being informed of this destructive Scheme designed to be executed on Lands lying even without the Limits that Maryland, were they to have their utmost Pretences, could lay any claim to, could not believe themselves secure in any Situation against other like Attempts, or the most unjust & cruel that could be contrived.

"Cressap, a Man raised, for the Savageness of his Temper & daring Resolution, from the lowest Infamy to bear Command, placed in those parts to take Possession of them for Maryland, and supported by your Governor, from the time the Agreement was entred

into, to act in direct Opposition to the express Terms of it, was the Person entrusted to conduct these Designs, & for this End he had very lately brought up the Bay, from Annapolis, a large Quantity of Arms & Ammunition. He was authorized & actually listed Men at twelve pounds per Annum for the Service, swore them to be true to himself, & to assist him in all such Enterprizes against the Pennsylvanians as he should undertake, had promised Rewards & the Protection of Maryland to some whom he had thus listed, for perpetrating the Murther of a Person living opposite to him on the east side of the River, & held himself ever ready for the Execution of every Design that could be formed there for disturbing the Inhabitants of Pennsylvania.

"It is therefore not to be admired, if the Sherif of Lancaster, having, by Warrants from the Provincial Judges, been oftentimes commanded to apprehend the said Cressap, on a Charge of Murther, was strongly urged by the threatned Inhabitants to take & secure him by any means in Order to bring him to Justice, and to prevent, in Time, the Execution of those execrable Designs. And thus the the said Sherif, in the lawfull Execution of his Duty, near twenty miles within his County, was by the violent Resistance of the Criminal an his Accomplices, & with a view only to avoid shedding of Blood, obliged to give way to measures in which, whatever may appear to have been illegally committed, he & his Assistants are to answer it to a proper Judicatory, before whom they may be called, but that this cannot be in Maryland, as we have fully shewn before. However, to take off from the Heinousness of your Representation, there is strong Evidence that the Person killed fell by a shot from Cressap's Party, & we find that the House that was burnt belong'd not to Cressap, tho' he lived in it by permission, but to an old Inhabitant of Pennsylvania. Upon the whole it appears evident that Cressap & his Accomplices are in Reality accountable for the Blood that has been shed, and all the Evils that have happened in taking him, we cannot therefore be so far wanting in the Duty we owe to His Majesty, our Country, & an injured People, as to comply with your Demand, by ordering the Enlargement of so wicked, daring, & dangerous an Offender.

"In the mean time, unless the Government of Maryland will think fitt to enter into some effectual pacifick measures with us, which on our parts, as this Government always has done, we most earnestly desire, & we should be pleased to think that you, Gentlemen, had it in Charge from your Government to treat on the Subject, to put a Stop to all these Violences, that His Majesty's Subjects may live in Peace, & enjoy their Share of that Tranquility & Security that His Majesty most gloriously employs his whole Care & Labours to procure to all His People; we cannot but think it the immediate incumbent Duty of this Government to represent & offer to His Princely Consideration the State of these his harrass'd

& suffering Subjects, that of His inherent Clemency & Goodness He may be graciously pleased to interpose His Royal Authority.

"Signed in behalf of the Council,

"JAMES LOGAN, President.

"Philadelphia, Decem^{r} 10th 1736.

At a Council held at Philadia., December 11th, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell, Clement Plumsted, Thomas Griffitts, Ralph Assheton, } Esquires.

The Secretary reported that not having found Mr. Jennings & Mr. Dulany at their Lodgings after the Council adjourned last night, he had not an Opportunity of delivering the Message he was charged with till this morning, and that these Gentlemen said they would not fail of waiting on the President & Council, and soon after attending they were introduced. The President acquainted them with the Cause of delaying the Answer of the Board longer than was intended, & expressing the good Inclinations of this Government for preserving His Majesty's Peace & maintaining a good Understanding with our Neighbours of Maryland, for attaining which goods Ends he hoped they were furnished with proper Powers to treat on the Subject with this Government. He delivered the said answer as concluded on at the former Meeting. Mr. Jenings received the same from the President, expressing the like real Inclinations on the part of Maryland, but added that they had no Instructions to treat on any other Matters than those contained in their Governor's Letter and the Paper they had delivered. They then withdrew.

The proposed Amendments to the Petition to His Majesty being considered by the Board & agreed to, the Petition was re-delivered to the Committee of the House.

EODEM DIE, P. M.

PRESENT:

The Honble the President & the same Members as in the forenoon.

The Speaker of the House brought into Council the engrossed Petition to His Majesty, and acquainted the Board that the House had appointed a Committee for transmitting it to Mr. Paris, the Agent of the Province, to be by him laid before His Majesty;

Which being again read, the President in behalf of the Board, by their Order signed the same, & it being afterwards signed by the Speaker, the Great Seal of the Province was thereunto affixed, and It is Ordered that the said Petition be delivered to the Committee of the House who have it in Charge, to transmit the same; Which is in these Words:

"The Petition of the President & Council and of the General Assembly of the Province of Pennsylvania,

"Most Humbly Sheweth:

"That the Provinces of Pennsylvania & Maryland lying contiguous, the northern Bounds of Maryland being the southern Bounds of Pennsylvania, tho' the Limits between them were never agreed on with any exact certainty before the year One thousand seven hundred & thirty-two, yet except in some few Instances on the part of Maryland, the People of either Province, in making their Settlements, scarce ever varied above a mile or two from the place which the old Lord Baltimore set to himself for the northern Bounds of his Province above Fifty years ago; but for the more effectual preventing any Misunderstanding between the Proprietors & People of the said two Provinces, it was in the year One thousand seven hundred & twenty-three–four agreed between the present Lord Baltimore, Proprietor of Maryland, and Hannah Penn, Widow & Executrix of William Penn, late Proprietor of Pennsylvania, deceased, That for the avoiding all manner of Contention or Differences between the Inhabitants of the said Provinces, no Person or Persons should be disturbed or molested in their Possessions on either side, nor any Lands be surveyed, taken up, or granted, in either of the said Provinces near the Boundaries which had been claimed or pretended to on either side: Which agreement, tho' it was to continue eighteen Months only, yet it was deemed to be such a reasonable Expedient for preserving the Peace upon the Borders of the two Provinces, where they lay contiguous, that was carefully observed by the Government of Pennsylvania, as also generally by the Government of Maryland, until about the year One thousand seven hundred & thirty-two, when the Lord Baltimore and the Proprietors of Pennsylvania, at the special Instance of the said Lord Baltimore, solemnly entered into Articles of Agreement for dividing the Province of Maryland from the Province of Pennsylvania, and the three Counties of Newcastle, Kent, & Sussex, on Delaware, commonly called the Territories of Pennsylvania, In which Articles it was provided that a certain Number of Commissioners should be nominated on each side for marking out & running the Lines agreed to be mark'd out and run as the Bounds between the two Provinces & Counties aforesaid, which Bounds were so particularly & expressly described and set down in the said Articles, that there seem'd no Doubt but the same would have been carried into Execution according to the Tenor, true Intent, and Meaning of the said agreem'

Yet so it is, May it please the King, That notwithstanding the Clearness of the said Articles, the Lord Baltimore & his Commissioners, by starting the most unreasonable Objections, evaded running the Lines thereby agreed on for the Boundaries between the said Provinces; And at the same time the said Lord Baltimore and his Deputy Governor set up a Claim to the Lands lying on the west side of Sasquehannah River, near twenty miles further into the Province of Pennsylvania, than the Boundaries agreed on by the said Articles, and making use of one Thomas Cressap (a Person of mean Circumstances and infamous Character, who had taken Possession of a Piece of Land in Lancaster County, in the Province of Pennsylvania, formerly surveyed under the Proprietaries of the said Province) to perswade some innocent German People lately come into Pennsylvania, who were ignorant of our Language & Constitution, to take Possession of those Lands, and acknowledge the Jurisdiction of the Lord Baltimore, assuring them at the same time of being free from Taxes, and that they should have Protection from the Government of Maryland. The said Cressap then proceeded with armed Force to seize & hurry to Prisons in Maryland several of our Inhabitants, who were seated upon Lands above twenty Miles within the Province of Pennsylvania, as well as from those Boundaries set by Charles Lord Baltimore above fifty years since, as from the Bounds agreed on by his present Lordship in the year One thousand seven hundred & thirty-two; and the better to carry on the Designs of Maryland, the Deputy Governor of the said Province vested the said Cressap with the Powers of a civil Magistrate, and dignified him with a military Commission, furnishing him with a large quantity of fire Arms and Ammunition; Whereupon he became exceedingly insolent & oppressive to the peaceable Inhabitants of that part of the Country. To put a stop to which Proceedings, the Deputy Governor of Pennsylvania, with the Advice of his Council, sent Persons to the Deputy Governor of Maryland fully authorized to concert Measures for preserving Peace and good Neighborhood between the two Provinces, by agreeing upon some Bounds to limit their Jurisdiction, without Prejudice to the Right of either of the Proprietors, until the Differences should be absolutely settled, either between themselves or by due course of Law. But so far was the Deputy Governor of Maryland from entring into any such pacifick Measures, that the People of Pennsylvania then in Prison were prosecuted upon Informations preferred against them in the Courts of Maryland, as having intruded upon the Lord Baltimore's Lands, and (as they call it) against his Lordship's Peace, good rule, & Government, and heavy Fines laid on them on pretence that they would not own the Authority of the said Lord Baltimore; And a Surveyor, guarded by Cressap with a Number of armed Men, came up into the Heart of Lancaster County aforesaid, to survey Lands which had long before been surveyed, and some of them seated in

Right of the Proprietaries of Pennsylvania. And the Lord Baltimore and his Deputy Governor still continuing not only to disregard all Propositions for avoiding these Differences, & endeavoring by all means to make void the said articles of agreement, our Proprietaries found themselves obliged, in the year One thousand seven hundred & thirty-five, to exhibit their Bill of Complaint in the High Court of Chancery of Great Britain, against the said Lord Baltimore, wherein they have set forth their Right to the Lands in Question between them and said Lord Baltimore, which he had in a solemn manner Released to them by the said Agreement made in the year One thousand seven hundred & thirty-two, And have prayed the Aid of that Honorable Court in compelling the Execution of the same; And thereupon it was hoped that all further Differences concerning the Limits or Bounds of the said two Provinces would cease until that Controversy should be determined. But instead of paying Regard to the Authority of that high Court, the Deputy Governor of Maryland, after Notice of the suit commenced against Lord Baltimore, lest the deluded People sho^d thereupon see their Mistake, hastned up into Lancaster County aforesaid, and with Sound of Trumpet before him, rode amongst the Inhabitants to animate & fortifie them in their Adherence to the Lord Baltimore, & their Opposition to Pennsylvania; But finding that neither his own Endeavors nor those of the aforesaid Cressap, notwithstanding the Countenance given him, could prevent those Germans, who by false Suggestions had been prevailed on to own the Government of Maryland, from returning to their first Proprietors of Pennsylvania, the Deputy Governor of Maryland sent up in September last about three hundred Men in Arms, under proper officers, with Drums & Trumpets, to support the said Thomas Cressap and strike Terror into the Inhabitants of Pennsylvania, the only instance in America, we humbly presume, where one British Colony have taken upon them to levy War upon another. But when the Officers who commanded those Forces from Maryland appeared not forward to commit Acts of Violence, such was the Inhumanity of the said Cressap, that he urged them with great Vehemence to Fire on some of the People of Pennsylvania who were going over the River in Boats to enquire into the meaning of such an Armament in that part of the Country. But this Attempt was no sooner over than another Design was set on foot by Maryland to disposses those Germans; a Number of Men were encouraged by the Deputy Governor of that Province to take Grants for those Lands, who, with an armed Force, were to throw the miserable People, with their Families, Women & Children, out of their Plantations, and from all the Fruits of their Labours, to be exposed without Shelter to the Rigours of the Winter Season, for no other Reason than that they could not in Conscience any longer own the Lord Baltimore for their Proprietor while they were seated on Lands that cannot possibly fall within the Limits of Maryland; and for effecting this

cruel Purpose, the said Cressap was furnished by the Deputy Governor of Maryland, with about two hundred small Arms, & suitable ammunition. But tho' by a happy Providence their Project was discovered, some of the Heads, with others of the Confederates, being seized in Pennsylvania, who have made a full Confession of the whole Design, as projected by them with the Deputy Governor of Maryland, yet the said Cressap was authorized to list, & actually listed Men at the Rate of twelve pounds a year, with Diet and Lodging, swearing them to be faithfull to the Lord Baltimore, true to himself, and to go upon all such Enterprizes against the Pennsylvanians as said Cressap should direct. He then breath^d Rage & Fury, threatned Destruction, concerted with his People the Murther of some, & burning the Houses of others. The Inhabitants of Lancaster County could now think themselves no longer safe after such a Discovery, while the Person appointed to execute all these Designs was so strongly supported, so furiously animated, & furnished with such means of distressing them. But as the Principles of the People who first settled the Province of Pennsylvania, and of those who at present have the Administration of the Government, are well known to be against all military Force, and being sensible that all military Attempts of one subject of the Crown of Great Britain upon another are unwarrantable, they therefore only granted legal Warrants to the Sherif of Lancaster County for apprehending the said Cressap, that he might, in a course of Justice, answer for the notorious Offences he had committed; And the said Sherif, having for some time been possessed of a Warrant from the principal Judges for taking the said Cressap on a Charge of Murder, found by a Coroner's Inquest, the People being justly alarmed by so manifest a Prospect of their Danger, called upon the Sherif at all Events to execute his Warrant, in which they would assist him, for that they rather chose at all Hazards to attempt the taking that dangerous and barbarous Man, than to live continually exposed to his Violences. Accordingly, the Sherif, attended with a Number of the Inhabitants of the County (who consist mostly of German Protestants & other Europeans of the Communion of the Churches of England & Scotland, of late years arrived here), went over to Cressap's dwelling in the morning early, read at his Door, in his hearing & in the hearing of his Accomplices in the House, the Warrant he had to take him, requiring him to surrender himself, but was answered only with horrid Oaths & Imprecations, and the utmost Scurrility of Language, and soon after he fired on the Company, who also discharged some Shot at his House, but without Intention of doing any Hurt; and thus they continued till near Sunsett, when the People, provoked by his Abuses & his frequent Firing, and finding no other Possibility of taking him alive, set fire to the House, which consisted of some round, unhewn Timber Logs piled one on another, of not above the Value of five pounds Sterling, and to which he had no Right, having before Released his tortious Possession to one of our

Inhabitants; and the House being on fire, the said Cressap, with his Accomplices, rushed out, loaded with Arms, & firing upon the Sherif & his Company, they wounded one of the Sherif's Men, & happened to kill one of their own before said Cressap was taken.

"But notwithstanding the taking of that turbulent Man, we have still just reason to apprehend yet further & greater Injuries from that Government, large & tempting Rewards being promised in Proclamation & otherwise by their Deputy Governor, before the taking of said Cressap, for seizing divers of our Inhabitants, & particularly some of the principal Magistrates of Lancaster County, which we can by no means here divert, without entring into such an open Rupture as neither our Duty to Our Sovereign nor our Religious Principles will suffer us to Engage in.

"We therefore most humbly beseech Our Gracious Sovereign, the common Father of all His People, to take our Case into His Princely Consideration, And that He will be pleased to enjoyn the said Lord Baltimore, & all others claiming Authority under him, to desist from all further Acts of Violence to the People of Pennsylvania, and that he do confine himself to the Bounds and Limits set to his Province, as well by his Grandfather as himself, until the same shall be determined by due course of Law, or grant to us such Relief as the King, in his great Wisdom, shall judge Equitable and Just.

"And we, His humble Petitioners, as in Duty bound, shall ever pray.

"In behalf of the Council,
"JAMES LOGAN, President.
"By Order of the House of Representatives,
"A. HAMILTON, Speaker."

Sundry affidavits about the apprehending of Cressap and the Association for dispossessing the Dutch on Sasquehannah having been taken and lodged in the Secretary's Office, exemplified Copies of these & divers other Papers, under the Great Seal, were transmitted to the Agent in Support of the aforesaid Petition.

At a Council held at Philadia., December 13th, 1736, P. M.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Ralph Assheton, Clement Plumstead, Thomas Griffitts, Thomas Laurence, } Esqrs.

The President laid before the Board a Paper, this morning de-

livered to the Secretary by Mr. Jenings and Mr. Dulany, which being read, is in these Words:

"To the Honble James Logan, Esq^r President, & the Council of the Province of Pensylvania.

"May it please your Honours:

"When we read the beginning of the Paper we had the Honour of receiving from you the tenth instant, wherein your Honours are pleased to Declare, that 'There is nothing consistent with Reason & Justice that may contribute to the establishing of a good Understanding between the two Provinces of Pennsylvania & Maryland, wherein you would not readily & chearfully Concur with us for obtaining so good an End,' We immediatly entertained the most agreeable hopes of meeting with your Honours' concurrence in what we had before requested from your Board, in order to shew each Government sincerely disposed to act as Neighbors & peaceable Subjects of the same Prince. But on perusal of the other parts of the said Paper, we cannot but own ourselves very greatly concerned, as well as disappointed in those Expectations (which if complyed with), we doubt not your Honours, on more mature Consideration, will be satisfied must have such Consequences as to evince our desires not only reasonable for us to make, but Just and Honourable for your Board to grant; And as there is little occasion at present to enter into every Circumstance your Honours are pleased to urge for Arguments to support your Refusal of our Request, we shall only in General take notice how unsatisfactory they appear to us for that purpose.

"Your Honours are pleased to say that 'The Government of Pensylvania never acknowledged the place of Cressap's settlement to be in Maryland; that you are assured of the contrary, and that the Lords Proprietary of Maryland never claimed it till after the Agreement you mention to have been entred into by his present Lordship.' Perhaps your Honours might have been led into this Assertion by not knowing that the Right & Title which Mr. Cressap had, & claimed to that Land on which he lived when his House was burnt, is founded on a grant from the Lord Baltimore many years before the Agreement you mention was made; that the said Cressap, ever since his Possession thereof, held the same as Tennant to his Lordship; that he paid his Taxes in that Province, has been Subject to its Laws, & under its protection, and looked upon by the Government even of Pennsylvania, as well as that of Maryl^d as an Inhabitant of Maryland.

"This, we doubt not, will at last appear to be a true state of the Fact with regard to the place of Mr. Cressap's residence, and as to its being relinguished with a great extent of Land by the Lord Baltimore, by virtue of the said agreement. Your Honours must remember that the Agreement was never carried into Execution,

that the validity of it is under the consideration of the High Court of Chancery, where, without all Question, the Arguments of the Learned Council who have given there Opinion in the Case, will be heard & considered agreeably to the Justice administred in that High Court, and since that Dispute was at the earnest Instance only of the Proprietaries of Pennsylvania, permitted by His Majesty to be carried & is now depending in that Supreme Tribunal for Original Causes (as Your Honours are pleased to stile that Court). We beg your Honours will most seriously consider how consistent with the Duty of a Subject with the Deference due to the High Court of Chancery, & with Justice or prudence it was in the Sherif & a Justice of Peace of Lancaster County, with an armed Force to anticipate the Decree of the Lord Chancellor of Great Britain, and to establish the Bounds & pretentions of the Proprietaries of Pennsylvania with Fire & Sword.

"Your Honours justly observe that the action was violent. We take the liberty of adding so Violent as no Government, which derives its Institution from the Crown or Laws of Great Britain, can neither Justify or justly Countenance by any delay of securing those horrid Offenders.

"You are also pleased to Declare your Government would never encourage such an Action, and yet these bold Incendaries & Murderors have not been taken into Custody, and it is hardly to be questioned but that they & others will look on their continuing still at large to be such an Approbation of their Conduct as Equals a real Encouragement.

"As to the Provacation your Honours mention we are entire Strangers to the Facts or the Proofs whereby they can be Supported. But your Honours' great experience in the World must convince you it has been the Misfortune of many Men to have been unjustly traduced & Charged with Facts of which they have been perfectly Innocent, tho' such Facts have had the Oaths of many Witnesses to support them; and we need not remark how far the authors of the late Cruelty may think it their Interest, and indeed (tho' falsely) the only means of their safety, to accuse Mr. Cressap unjustly & endeavour to make good such Accusation; But upon a supposition of the fact being as it is stated by your Honours, This plain Question will occurr. Is it tolerable, or not rather highly Criminal, for the Sherif of Lancaster County & Mr. Smout, a Magistrate of the same county, under a pretence of any Warrant whatsoever, to besett Cressap's House with an armed Force, and to burn it over the Heads of him, his Wife, & Children, with all the Substance he had in the World (which was very considerable), to his utter Ruin & manifest Danger of their Lives? Surely the often repeated insinuation of that House being to the northward of a Line mentioned in an Agreement now in Contest in the High Court of Chancery (but which at last will be found to be to the

southward of the 40th Degree), cannot give the least Colour to su a Proceeding.

"Your Honours indeed are pleased to say Cressap intended to some very violent things which would have disturbed several Peop in their peaceable Possessions. But we cannot help thinking yo Honours are equally sensible with us, that such pretences cann even amuse and much less extenuate or justify this Action in th Eye of that Law by which all our Liberties and Properties a secured. We must indeed acknowledge that burning his Hous endeavouring to shoot him, & when he very surprizingly escape with his Life, imprisoning, loading, & still keeping him with Iron are most effectual means to prevent his carrying his Schemes int Execution.

"As to the Persons whom your Honours mention were intende to have been turned out of their Possession for disowning th Jurisdiction of the Lord Baltimore, we agree they must certainl be ignorant Forreigners or they would never have been so far delude as to imagine it to be in their Power to divest the Lord Proprietar of Maryland, from whom they received their Possessions, of th Rents or Services due from them as Tennants, to throw off & trans ferr that Obedience which is due from every Subject to the Laws o a Province, in which they acknowledge their places of abode to b or that any engagement of Fidelity to the Proprietors of Penn sylvania would justify them in so extraordinary a Behaviour; Bu we hope, we may without Offence wish, that engagements of Fidelit taken to any Subject may not Infatuate the takers to violate a Laws & Rule which they shall fancy inconsistent with the Interes of those to whom they attached themselves by such Engagements.

"When a Number of People are instigated to Act in Opposition to the Government they live under, to refuse contributing the pro portion of the Taxes which must be borne by the Community, ar they not to be reclaimed by the Officers of Justice? And whe the Number of such refractory People is considerable, and there i good Reason (not to say undoubted Evidence) to believe that the expect to be supported by a Neighbouring Government, are not th Officers of Justice to have such assistance as may preserve Peac and prevent Bloodshed? was there a House burnt, or Subject killed or in the least injured in his Possession or property, by th supposed Hostile Force of Maryland? The conduct & behaviou of the proper Officers & those who attended them shew very plainl that they had nothing in view destructive of the Peace and Securit of His Majesty's Subjects, And it is to be wished that the Sheri & Justices of Lancaster & their Forces had observed the like inof fensive Conduct.

"We are very sensible that great Clamours have been raise against Mr. Cressap, & all possible Artifices used to render hi Odious to many that he never offended or injured, or even knew *whether in* order to furnish a colourable pretence for the violence

intended to be committed upon him, & as much as might be to prevent that Compassion which Humanity (especially in the Breasts of English Men) dictates towards every Sufferer, Or in hopes to induce Mankind to believe that a Person who is accused of so many things as he is, is so ill a Man as that what any other person might do innocently & justifiably, is in him a Crime of the deepest Die, we will not take upon us to determine. But we may venture to say, that if this unhappy person was not thought even by your Honours to be under Circumstances different from any other Man breathing, he could not be represented in such Terms as he is by your Honours in the Paper now before us, where your Honours are pleased to say that there were Warrants to apprehend him for Murder, which Imputation, we beg leave to say, from this Government is very extraordinary; for it is notorious, that a Number of Men, & some of them armed, pretending to be Inhabitants of Pennsylvania, many years since attempted to break into his House by force in the night and threatned to kill him, that some of them actually got in by Force & Violence, that he drove them out again, that one of them snapt a pistol at his Breast, that after they were driven out they endeavoured to re-enter by forcing the Door open, & that he killed one of those People in his own necessary & just Defence. This is the Action which is called Murder in Thomas Cressap, & we are perswaded would be thought not only justifiable but even commendable in any other Man on Earth. This fact is sufficiently well known & supported, not only by the Testimony of Witnesses of Veracity and Credit, but even by the Confession of the late Governor of Pennsylvania, who owned that what the said Cressap did was no more than self-Defence; And also, this Government, upon the Complaints from the Government of Maryland, has been pleased to declare that the Persons who were guilty of the said Violence against Cressap acted without authority. Would it have been justifiable to burn the dwelling House and all the Effects of any other Person upon Earth but this same Thomas Cressap, in order to gratifie a giddy Multitude, or to prevent in time the Execution of those imaginary or real Designs mentioned by your Honours?

"Your Honours seem to think that the Man killed (or rather Murdered) fell by a shot from one of Cressap's party, & therefore the Death of His Majesty's Subject not chargeable on those Incendiaries. But your Honours will be pleased to reflect, that Cressap's party (if four or five Men who had the misfortune to be in the House when it was beset by a great number of armed men can properly be called his party) were obliged to defend their Lives in the best manner they could, and if any accident or Death happened by any Person's hands in that Confusion, it can hardly be doubted but that the Sherif, Magistrate, and those under their command were the Aggressors, and consequently answerable for all mischiefs which Ensued. Nor can we apprehend how the discovery (if it were true) which your Board has made, that the House belonged not to Cressap but that he lived in it by the permission of an old In-

habitant of Pennsylvania, alters the case, unless it can be though to be Right & Lawfull, or less Criminal, to burn a House possesse by a Tennant because the Landlord does not live in it.

"Upon the whole, we cannot but think that your Honours wil be thoroughly convinced, upon further Consideration of this tragi cal affair, that the Sherif & Justice of Lancaster & the Forces unde their Command are accountable for all the Evils that happened, & the Blood that has been shed; and as to their answering for it in any Judicatory in Pennsylvania, we are in Duty & in Discharge of the Trust reposed in us to insist, as we hereby Do, That no Court in Pennsylvania has any Cognizance or Jurisdiction of this Fact, And that it is only & properly Tryable in Maryland. But least the Dispute concerning the place where the Fact has been committed should give such great Offenders (as the said Sherif, Justice, & all their Company undoubtedly are) an opportunity to escape that Justice which is due to their Crimes, & which we verily believe His Most Sacred Majesty will require to be Executed on them, we Request & Desire that your Board will be pleased to cause immediate Search & Discovery to be made of every such Offender within your Government, and that they or so many of them as are or can be found therein, & particularly the Persons mentioned in a List hereunto annexed, may be forthwith apprehended so as that they may be amenable to Justice, when His Most Sacred Majesty shall be pleased to declare His Royal pleasure where they shall be tryed; and that the said Thomas Cressap & Miles Foy, Michael Risner & Jacob Mathias Minshar, here in the Goal of this County, and George Bear, in the Goal of Lancaster County, may be admitted to Bail, to be also forthcoming when & where His Majesty shall please to direct. This Request, we apprehend, is so manifestly Reasonable & Necessary, & so becoming the part of us all as Subjects to Our wise & just King, the Royal Protector of His People, that we flatter ourselves with the hopes that your Honours will comply with it without the least Hesitation, whereby you will convince the World that you condemn that Action we have in Charge to complain of, that your Government will neither encourage it, or screen the Offenders from Justice.

"As it is not our Intention to Recriminate, & that we are unwilling to trouble your Honours with more than is absolutely necessary; we pass by several things contain'd in the Paper your Honours have been pleased to favour us with, wherein you endeavour to throw the Blame of all the disturbances on the Borders of both Provinces on the Governor or Government of Maryland, which tho' capable of clear answers, yet we shall only trouble you with the mention of one Fact, which is, that in the year 1734, when two Gentlemen were sent from hence to Our Government to make some Proposalls concerning the Inhabitants on the Borders of the two Provinces, such offers were made to them, & since repeated, as would (had this Government been pleased to have agreed to them

tually prevented all the Disturbances that have since hap-
d preserved that Peace & Friendship which ought to be
& subsist between Neighbours and fellow Subjects.

annot but Lament those pacifick offers were rejected, and
no doubt at whose Door the consequences of their being
e.

ltho' we have not the Honour of any Commands to treat
ttle that point, yet we can assure your Honours of the
y Disposition as formerly in the Government of Mary-
ds Amity & a good Understanding, and that we shall be
eing the Messengers to our Government of your Honours
linations for the same purpose.

thstanding so many Differences in our Opinions of things,
rejoice in the joint & unanimous Resolution which your
fesses to have, And which we are Commanded to declare
ament of Maryland has, sincerely taken, to loose no time
g to His Most Gracious Majesty for His Royal Protection
Violences committed on His Majesty's Subjects in that
and more particularly for Justice against those Violaters
eace, and Destroyers of their Lives & Properties.

"EDM. JENINGS.
"D. DULANY.

lelphia, Dec^{r} 12th, 1736."

referred to in the annexed Memorial, of some of the Per-
rned in the Felonious Burning the late dwelling House
Cressap, with all his Goods, & in Murdering Loughlin

Smith,	"James Patten,
Smout,	"Arthur Buchanan,
ss,	"James Moore,
tten,	"Andrew Smith,
llison,	"Daniel MacDaniel,
pper,	"Hugh Mackenelly,
Hampill,	"William, } both Serv^{ts} to John
Clark,	"Edmund, } Wright.
riest,	"James Mitchell,
Scott,	"John Mitchell,
rrat,	"Alex^{r} Mitchell, Junr.,
errat,	"Michael Adkison,
at,	"John Hart,
lbreath,	"William Clark,
Steward,	"Alexand^{r} Mackran,
lly,	"William Hacker.
tten,	

"EDM. JENINGS,
"D. DULANY.

lelphia, Dec^{r} 12, *1736.*"

Upon entring into the Consideration of the said Paper, & observing that these Gentlemen had mentioned in it the pacifick measures of Maryland, the Board thought proper to recur to the Transactions at Annapolis between the Lieutenant Governor of Maryland & Messrs. Hamilton & Georges, in May 1734, and to several Letters which passed between the said Lieut. Governor & the late Lieut. Governor of this Province, and accordingly these letters with sundry Papers were read, whereby to the Satisfaction of the Board it appeared very evident that tho' the Governor of Maryland had often used the Expression of their pacifick measures, yet when called on to show what these were upon a solemn Declaration of the late Lieut. Governor, that he was only ignorant of any such that ever were proposed by Mr. Ogle, with the least Appearance of a Probability that they could answer that great & good End; he had offered nothing but what was fully shewn to be either dilatory or impracticable, and that he had constantly evaded & declined the Proposal, so often repeated by this Government, of agreeing on some Limits to which, for the Preservation of His Majesty's Peace, the Jurisdiction of each Government should extend, with a Salvo to the Right of either Proprietor, till the Dispute between them should be fully ended; And the Board being of Opinion that it may be very proper to be particular on this Head in the Answer to the aforegoing Paper; & that the Necessity of agreeing on some Methods for preserving Peace on the Borders ought still to be insisted on, It is Recommended to the President that in the Draught of the said Answer a particular Regard be had hereunto; and some other Heads of the Answer being briefly mentioned, the Board adjourned till to-morrow morning.

At a Council held a Philadia., December 14th, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Ralph Assheton, Clement Plumstead, Thomas Griffitts, Thomas Laurence, } Esquires.

A Draught of an answer to the Paper of Messrs. Jenings & Dulany yesterday delivered, being laid before the Board by the President, and read, the further Consideration thereof was deferred till the afternoon.

EODEM DIE, P. M.

PRESENT:

The Honble the President, and the same Members as in the forenoon.

The Board resuming the Consideration of the Paper brought in this forenoon by the President, several amendments were made to the same, which being transcribed was unanimously agreed upon, & being by Order of the Board, signed by the President, the Secretary is Ordered to deliver the same this evening to Messrs. Jennings and Dulany; which paper is in these Words:

"To Edmund Jennings and Daniel Dulany, Esqrs.

"Gentlemen:

"As in your Reply to us delivered yesterday to the Clerk of our Board, you chose to wave entering into every Circumstance we urged (you say) for arguments, to support our Refusal of your request, we shall, to save time, take the same Method in relation to your Paper; but there are some Points we cannot forbear observing, wherein we clearly see you have either been misinformed, or have not been let into, or have not considered the full state of the Case.

"We assure you the place where Cressap settled was many years since survey^d. in right of our Proprietors, and a regular Return made of it, and divers persons were seated thereabouts, and on the adjacent Lands, and paid Taxes to this Government, some years before Cressap was known in those parts, as incontestably appears by the County Levy Rolls and the Evidence of such as Collected those Taxes, & of other Inhabitants; and we shall add that tho' the 40th degree which you mention in another place, no way enters these Debates, if there be any dependance on the Artists of Pennsylvania, there is not that certainty that the said place lies within that degree that your Government seems of late to have imagined.

"Your proposing to us to Consider how consistent the late Proceedings against Cressap are with the Deference due to the High Court of Chancery, would be just if our People were the Aggressors, but an officer executing a legal Warrant against a Criminal was never yet, we presume, account^d. such in any Construction of the Law whatever; Our Sherif's had made several fruitless attempts before to take him for the said Crime, and his behaviour daily rendred that execution more necessary; But while you referr this to our Consideration, we must desire you on your parts to reflect how inconsistent the late violent Proceedings of Maryland, mentioned in our former Paper, are with that Deference which you cannot but be sensible is equally due from your Governm^t. as from us.

"It would take up too much time to state again the Case of those Germans; they have themselves represented it to His Majesty, whose great Wisdom & Goodness cannot fail to consider it. Nor is it now of any use to discuss a point so generally understood as Cressap's just Character, which Numbers of your Government know to be infamous; and it is surprising that any should have represented him as a modest Man, while he is so well known to be one of the most scurrilous & Abusive of Mankind.

"Our Observation that the House was not Cressap's, arose not from any opinion that it altered the Nature of the Fact, but was mentioned to show his Loss was the less by that Deduction.

"The Germans who yearly arrive here in great numbers, wholly ignorant of the English Language & Constitution, are obliged, on Account of our too near northern Neighbours, the French, whose Language many of them understand, not only to swear Allegiance to Our Sovereign, but as a farther Tie upon them promised Fidelity to our Proprietors & this Government, a Practice only used with them & no others.

"You are pleased to say we endeavour to throw the blame of all the Disturbances on the Borders of both Provinces on the Governor & Government of Maryland, & whether we have not reason for it will appear from the Letters that have passed between our late Governor & yours on these heads, which we have on this occasion been obliged to peruse; And as you have thought fitt for evincing the contrary to refer to one fact, 'which is that in the year 1734, when two Gentlemen were sent from hence to your Government to make some Proposals concern^g the Inhabitants of both Provinces, such offers were made to them, and since repeated, as would (had this Government been pleased to have agreed to them) have effectually prevented all the Disturbances that have since happened, and preserved that Peace & Friendship (you say) which ought to be cultivated & subsist between Neighbors & fellow Subjects.' To set you right in that Point, We desire you would be referr'd to Governor Gordon's Letter of the fifteenth of May last, to Governor Ogle, of the copy of which, to save a long Repetition here, you may if you please have the Perusal, and your Governor himself undoubtedly has the Original, from whence it will evidently appear how very far short those Proposals were, besides that one of them was impracticable of answering in any measure those good Ends you mention.

"And now in answer to your Proposals, founded on your Assertion that Pennsylvania has no Cognizance of the Offences wherewith Cressap is charged, that they are triable only in Maryland, that the Sherif of Lancaster County and his Assistants, whom you term Forces, shall forthwith be apprehended & give Security, that they may be amenable to Justice when His Majesty shall be pleased to declare His Royal Will & Pleasure where they shall be tried; and that Cressap, with the others imprisoned in this Province, may be bailed, We say that no Government can have a more perfect Confidence in His Majesty's Justice & Goodness than this of Pennsylvania. We know it to be His Royal Will, that all His Subjects be in their Lives, Liberties, & Properties, judged according to the known Laws of the Land; and as we are as fully assured that the place where Cressap was apprehended is within the Province of Pennsylvania, as that there is such a Province, we are equally certain that the Offences committed in that place are tryable in Pennsylva-

nia and not in Maryland. But tho' from the most exact accounts we have received of the Proceedings of the Sherif, and of those who assisted him, the Resistance to His Majesty's lawfull Authority, & the violences offered to His Officers of Justice, may, as those skill'd in the Law assert, acquit them of the heinous Guilt wherewith you charge them; yet you may be assured, that if it should appear to His Majesty that they have, in the Execution of their Duty, done anything unlawfull, and He should be pleased to direct a Prosecution of them, this Government, ever regardfull of His Royal Commands, will not fail to take the most effectual measures for obliging the Sherif and all others to appear & answer for what they may be charged with in a due Course of Justice.

"Nor can we apprehend that our proceeding against such notorious Offenders as Cressap and the others will be construed any want of Duty to Our Sovereign, for were this to be the Case it may at any time, while the Boundaries of the two Provinces lye undetermined, be easy for the Government of Maryland to put a Stop to the prosecution of Criminals by setting up a Claim to the Place where the Fact was committed.

"And since Cressap is now in Custody on a Charge of Murther, & thereby prevented of perpretrating those cruel & barbarous Designs on the Inhabitants of this Province, wherein he was to bear so great a Part, we cannot believe we should ever be able to answer it to His Majesty, who expects, and indispensably requires, of all who are entrusted with the Powers of Government under him, a due Regard to the Preservation of His Peace & the Security of His Subjects, if we should allow of Cressap's Enlargement until he is discharged by due Course of Law.

"In the mean time, if your Governor will agree (and we are truly sorry that you, Gentlemen, are not vested with Powers for so good an End) upon some certain Boundaries to limit the Jurisdiction of the respective Provinces, without Prejudice to the Right of either Proprietor, until the whole Dispute shall be ended, or upon any other reasonable measures by which His Majesty's Subjects may enjoy Peace, and no longer be harrass'd in their Persons & Possessions, we shall chearfully & with the most sincere Zeal come into any Methods that can be proposed, consistent with the Laws & common Justice, until we are so happy as to receive His Majesty's Pleasure on the humble & dutifull Application which this Government have found themselves obliged to make for His Royal Interposition, that thereby a due Obedience may be enforced from all His Subjects to His sacred Authority and Commands.

"In behalf of the Council,

"JAMES LOGAN, Presid^{t}

"Philadelphia, December 14th, 1736."

At a Council held at Philadia., December 16th, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell,
Clement Plumstead, Thomas Griffits, } Esquires.
Thomas Laurence,

The Secretary reported that pursuant to the Order of the Board, he delivered, on the 14th instant, in the evening, to Mess^{rs} Jenings & Dulany, the Paper then signed in Council.

The President then acquainted the Board that these Gentlemen came this morning to him, & informing him that they were just setting out on their Return, delivered a Paper, which he now laid before the Board; but previous to the Consideration of it, and lest these Gentlemen should leave the town quickly, a Draught of a Letter to the Lieu^{t} Governor of Maryland, to be sent by them, was first had under Deliberation & unanimously agreed to, which being transcribed, and in behalf of the Board signed by the President, was sent to these Gentlemen by the Secretary, who, returning, reported he had delivered the same to Mr. Dulany; and it is in these Words:

"Sir:

"We received on the 7th yours of the 1st Instant, by the hands of Mess^{rs} Jenings & Dulany, desiring us to have Faith & Confidence in whatever those Gentlemen should request from, or propose to our Board, on the Subject of the late Action of the Sherif of Lancaster County & his Assistants in taking T. Cressap, and the Accidents that attended it. Accordingly we have received, considered, & answered what those Gentlemen have thought fitt to offer to us touching that affair, All which having passed in writing between us, We request that, for the full knowledge thereof, you would be referred to the Papers.

"But as those Gentlemen have declared they have no Authority to treat any further with us, We take the freedom to apply directly to yourself, requesting you would be pleased to join with this Government in some effectual measures, that all His Majesty's Subjects dwelling on or near the disputed Borders, who are equally Objects entituled to His unlimited Goodness & Care, may enjoy that Peace which He ever Studies to give to all His People, till such time as His Royal Pleasure can be known & His Orders be received for putting an End to all these unnatural Contentions, for which we have humbly applied, as probably you may think it proper to do the same; And we shall in the mean time, on our part, very chearfully come into any reasonable Concessions that can be proposed for obtaining so good an End. No People living being more sincerely

desirous of establishing & maintain[r] a perfect good Understanding with our Neighbours than,

"Sir,

"Your Friends, & humble Servants,

"In behalf of the Council,

"JAMES LOGAN, Presidt.

"Philadelphia, 16th Decem[r] 1736."

Addressed:

"To the Honble Samuel Ogle, Esqr.,
Governor of Maryland."

The Courts of Quarter Sessions and Common Pleas for the County of Bucks coming on this Week, the President informed the Board that he had received an Application from several principal Gentlemen of that county, setting forth the Necessity of adding some proper Persons to the general Commission of the Peace, but the time not now permitting that the whole should be settled, the President proposed the Addition of Lawrence Growdon by a special Commission, which the Board agreeing to, a Commission was issued to him accordingly.

The Paper delivered to the President was then read, & is as follows:

"To the Honble James Logan, Esq[r] the President, and the Council of Pennsylvania.

"May it please your Honours:

"Altho' we must own ourselves unhappy in not procuring from your Honours any Agreement to either of those Proposals we offered to your Honour's consideration, by our Reply of the twelfth instant, yet the great desire we have, not only as fellow subjects, but as Neighbours, that this Province, as well as our own, & every other of His Majesty's Dominions, should preserve an awful Deference to the Royal Direction, & carefully avoid every Surmise of acting otherwise than the most dutiful Subjects, gives us great uneasiness that you seem resolved to deferr till his Majesty shall order a Prosecution, the apprehending those persons who, in your former Paper of the 10th instant, were acknowledged to have been guilty of so violent an Action that your Government would not Encourage it.

"Your Honours may indeed think this Declaration of your Will sufficient for the Government of Maryland, but perhaps His Majesty may think His Justice thus endeavoured to be deluded, by giving the Offenders an opportunity of Escaping; if this should prove the Case, This Government may perhaps be thought justly to deserve a Resentment from that Sovereign, whose Royal Commands seem now intended to be rendered ineffectual; and this, your Resolution, must seem the more extraordinary, since it is taken at the very

Juncture that this Government has found themselves obliged to make their Humble & Dutifull Application for the Royal Interposition.

"We cannot presume to say what exact Account you have received of the Proceedings of the Sherif & those who assisted him (such Accounts being secrets to us), but we may venture to pronounce, that as the burning of a Man's House & the Death of a Man, even upon your own Representation, at that time were such violent Actions, which your Honours would not Encourage, so we should never have imagined any Persons who asserted that all the Circumstances mentioned in your Honours' Paper of the 10th instant, could acquit them of the heinous Guilt wherewith we charge them (which is more than one capital Crime) were really skilled in the Law (of England we mean) if your Honours had not assured us of it; But we have the Satisfaction that superior Understandings & Judges will determine the Soundness of that Doctrine.

"We observe that your Honours, from a due Regard to the preservation of His Majesty's Peace & Subjects, will not consent to the Enlargement of Cressap upon Bail, & yet we find the same Motives are not sufficient to prevail with your Honours to apprehend Persons guilty of those violent Actions which yourselves cannot Encourage; one Man is kept in Prison, without being admitted to Bail, upon a Charge which this Government has acknowledged justifiable in his own Defence, yet others who have been Guilty of a violent Action which this Government pretends not to Encourage, are suffered to be at large as if they had done no Crime.

"We need only state this Proceeding in order to have that Notice & Justice which we rely on from His Most Gracious Majesty.

"You are pleased to mention that this Government obliged the Germans only to Enter into an Engagement of Fidelity to your Proprietors; we apprehend the Allegience they Swear to Our Sovereign cannot need the force of an Engagement to your Proprietors to prevent their Desertion to the French, and therefore we are at a Loss to comprehend why the Germans are distinguished from all other Nations by the remarkable distrust your Governuent has of their Fidelity.

"EDM. JENINGS,
"D. DULANY.

"Philadelphia, 15th Decemr. 1736.

"May it please your Honours:

"When we prused the Paper we received from your Honours of the 14th instant, & had finished the above Answer to the same, we could not find that you objected to the taking Bail for any of the unhappy Persons who were taken by the Sherif of Lancaster, Mr. Smout & their Forces, & are confined in your Goals, Except Mr. Cressap; whence we concluded that nothing was wanting but Bail

to procure the Enlargement of these poor Men; And when we had the honour of waiting on the President yesterday morning, he was pleased to let us know his Sentiments to be agreeable to Ours, and to acquaint us that upon giving Bail these Persons would be forthwith Discharged. Upon this we procured such Bail as we apprehended could not have been objected to, and after what is herein related, we could not but be very greatly surprized to be told by his Honour, the President, there were some objections started to the admitting them on Bail, And that no Bail would be taken at present for those unfortunate Men (or to that purpose) who may suffer by an Imprisonment & want of Necessarys, a Death more painfull & grievous than that they escaped from the Flames. This is such a Procedure as we believe has few Examples, And how consistent it is with good Faith and the frequent Professions the Government of Pennsylvania has made of its Inclinations to preserve Peace amongst all His Majesty's Subjects, will be considered in a proper place.

"EDM. JENINGS,
"D. DULANY."

And the same is continued under Consideration.

At a Council held at Philadia., December 17th, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Ralph Assheton,
Clement Plumsted, Thomas Griffitts, } Esqrs.
Thomas Laurence,

The Minutes of Council since the twenty-ninth Ult^o being read at the Board and approved,

The Consideration of the last Paper delivered to the President by Mess^rs Jenings & Dulany was resumed, and a Question arising whether it ought to be answered or not, some being of Opinion that it ought rather to be disregarded, & others thinking it necessary that the unmannerly & malicious Reflections in it should receive a proper Answer, a Majority of the Board were for answering it; whereupon a Draught, prepared by the President, being laid before the Board, was read, & some Amendments being proposed it is referred for farther Consideration.

At a Council held at Philadia., December 20th, 1736.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Thomas Laurence, } Esqrs.
Clement Plumsted, Thomas Griffitts, }

The President acquainted the Board that upon more mature advisement he could not be of the Opinion that it would be proper for them to Answer the last Paper delivered by Mess^rs Jenings & Dulany, by sending anything in writing addressed to them, who have executed their Commission and are now gone from hence; but that whatever of the kind is concluded on ought rather to be represented to the Governor of Maryland himself; and the President supporting his Opinion by some Reasons, the Board came into the like Sentiments. The President then delivering a Paper in vindication of his Conduct, so grosly misrepresented by the Commissioners of Maryland, the same was read & Ordered to be entered on the Minutes of this Board in these words:

"To the Council of Pennsylvania.

"Gentlemen:

"As the supplemental Part of the last Paper, delivered to me by the Commissioners of Maryland on the 16th instant, now before the Board, contains a very abusive & heinous Reflection on my self as well as the whole Government, I conceive it incumbent on me to do Justice to my own Character thus indecently attacked, and to satisfy this Board in the Particulars that have given Rise to the Aspersion, by representing the real Matters of Fact, which will at once shew the Dishonourableness of the Attempt in those Gentlemen, & the particular Injustice of it towards my self.

"The Board are sensible the Letter of Credence brought by the Commissioners from their Governor, & all the Papers they delivered were directed to the President and Council of Pennsylv^a they were told and very well knew that the Administration of the Government, on the Decease of our late Governor, by our Constitution devolved, not on a President, as is usual in other places, but on the Council, that is a President & a certain Number with him making a Quorum. Accordingly they delivered their first Paper the Board sitting, & in the same manner received their first Answer; but some time after they thought fitt to make several verbal Applications to the President alone, & particularly two Requests the first on the 14th instant, that Cressap might be eased of his Irons, in which Point tho' I expressed my Willingness to gratify them, yet I then promised nothing further than that I would enquire & see what might be done in it, & sending that evening for the Prison Keeper, after some Assurances from him that he could

answer for his safe keeping without Irons, I ordered them to be taken off, & in this the Gentlemen had all the favour they craved.

"The next day about ten in the morning, they applied again with their second Request, that the other three Prisoners in Philad[a]. Goal might be admitted to Bail; in this also I shewed the like Inclinations, and after some Discourse of the manner of doing it, told them they must apply to one of the Judges. The Gentlemen said that in their Province, and in Virginia, such Bail was sometimes taken by the Governor, hinting, as I understood them, that I might do it my self; but I answered that I would by no means meddle with it, upon which they concluded to apply to Judge Grame in the afternoon, desiring me that I would speak to him on the Subject, which I said I would, or words to that Effect; but I do affirm that I never promised the Men should be bailed. I indeed shew'd my own Inclinations, but left the matter wholly to the Judge, who I expected would proceed on the Occasion agreeable to Law, which alone was to be his Direction.

"About one in the afternoon, the Judge with three other Gentlemen whom I had invited to bear the Commissioners of Maryland Company, came to my House, and by the Discourse they immediately fell into, it appeared the Judge had by some Means heard of the proposal to bail the Men, upon which he said, that on considering the Commitments he did not see that it could be done legally. The Matter was spoke to a little, & the Judge continued of the same Sentiments. The Gentlemen of Maryland joyning the Company, they all staid till near night; and then rising, I took Edmund Jennings aside and told him that there were Objections made to what they had proposed in the morning about Bail; that I perceived by the Judge at his first coming in he had been spoke to about it, and that he was of Opinion it could not be legally done. Edmund Jennings expressed some Concern at this, but added, it signified the less (or to that effect), for that to speak the Truth they found it very difficult to procure Bail. And our Conversation having continued amicably for a small time on that & the like Heads, we parted very friendly.

"But next morning, on the same subject, the Gentlemen coming in upon me, and forgetting all Rules of Decency, without any Provocation whatsoever more than has been mentioned, which was a continued Series of Behaviour & Actions as far as it lay in my Power to make them easy, they attacked me with a Warmth & Behaviour which, as it was only to my self, I shall avoid speaking of it in the manner it deserves; but their opprobrious Reflections in the several Companies they came into afterwards during the few Hours they staid in Town, with that heinous Charge in their Paper against the whole Government, from such an occasion is what I presume no Gentlemen whatever as such will pretend to account for; & indeed it is a melancholy Reflection that whatever personal Characters Men

of Worth may be entituled to, yet when employed in the Affairs of Maryland in relation to this Province, they appear to be entirely laid aside (the Practice of which began in the Winter, 1732), and it becomes scarce safe to trust one's self alone with them on those Points.

"Thus much I have thought necessary to say for the Information of this Board, and in my own Vindication from the unmerited Abuses bestowed upon me in return for the favor shewed in one Point, and the Inclinations I expressed to gratify those Gentlemen in the other, provided it could be done in a legal Method.

"JAMES LOGAN.

"Philadelphia, December 18th, 1736."

From which Paper, & the Draught laid before the Board at the preceeding Council, a Letter to Governor Ogle being drawn up and read, the same is approved; and it is Ordered that the President sign and transmitt it by the first Opportunity; which letter is as follows:

"Sir—

"After we had dispatched to you our Letter of the 16th instant, our President laid before our Board a Paper he had just received before from your Commissioners, Mr. Jenings & Mr. Dulany, the last or supplemental part whereof carries such an henious & abusive Reflection upon this Government, that we should be highly wanting to ourselves if we did not show the Injustice of the attempt.

"These Gentlemen have thought fitt to charge our President with promising that Cressap's Accomplices should be bailed, and not performing it. With respect to which he assures us that tho' he expressed to them his Inclinations for admitting them to bail, he at the same time referred them to the Judges as the proper Persons to be applied to upon that Occasion. And of the Truth of this we cannot doubt, not only because of the well-known Veracity of that Gentleman, but likewise that a President by our Constitution has no sole or separate Powers from the Council. He, therefore, could only shew his willingness to do any act of Favor to the Government of Maryland that should be consistent with Law and Justice, and in Requital he has been most unkindly loaded with abuses. But it is not difficult to see thro' the whole of this Clamor; for if those Gentlemen by their influence could have prevailed upon the President, or President & Council, or upon any Person in Authority, no matter whom, to admitt those Criminals to Bail, who they well knew were not Bailable, we should then have been the Object of their Mirth for our Weakness as we are now of their Resentment for not giving blindly into their Measures, and this, without Breach of Charity, we may presume to be the case. Why else was it that your Commissioners, when they found themselves disappointed in receiving that Favour of the President which they say they ex-

pected, did not purchase their Writts of Hebeas Corpus which they well knew could not be denied, & upon their Return they would then have had an Opportunity of shewing if they could that by law those Men were baileable? But if the legal means have been left unattempted for the Relief of the Persons, it cannot with any Colour of Justice be laid to the Charge of this Government, and those Gentlemen to whose Care that Affair was committed are left to account in the best manner they think fitt for their Conduct in that particular.

"Thus much we have thought ourselves obliged to say on this subject; which gives us further Reason to lament, that instead of experiencing any kind Disposition towards the Re-Establishment of a good Agreement between the two Provinces, every Occasion of widening these present Misunderstandings seems on the part of your Government to be industriously sought for. We must, therefore, beseech you to give Attention to our last Letter, that if possible some means may be found by which neither we nor any of His Majesty's Subjects may be further engaged in such unnecessary and unnatural Contentions. We are,

"Sr,

"Your Friends & humble servants,

"Signed by Order & in behalf of the Council of Pennsylvania,

"JAMES LOGAN.

"Philadia., December 20th, 1736."

Addressed,

"For His Majesty's service.

"To the Honble Samuel Ogle, Esqr.

"Governor of Maryland."

At a Council held at Philadia., December 29th, 1736.

PRESENT:

The Hon^ble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell, Clement Plumsted, Thomas Griffitts. Thomas Laurence, } Esqrs.

The Minutes of the two proceeding Councils being read and approved,

The President laid before the Board a Letter he received last night by Express from Samuel Blunston, which being read sets forth that Charles Higginbotham, one of those concerned with Munday & Leet, having fled into Maryland, and being appointed by the Governor of that Province, as is reported, a Captain of their Militia and a Justice of the Peace, was come up into those parts on Sas-

quehannah where the late Commotions have hapned, with about eighteen or nineteen Persons, all armed; that being daily strengthned by Runaway Servants & others of desperate circumstances, they had threatned to attack some of the Dutch People seated there; that the Country being alarmed, were getting together in Numbers to defend themselves; that two of the Inhabitants of Lancaster County, returning home from the Woods, were sett upon by three Marylanders but had the good Fortune, after some struggle to escape from them, and it being apprehended that Higginbotham & those with him will very soon make an Attempt on some of ,the Dutch; the Directions of the Council are therefore desired for the Conduct of the People on this Occasion.

The Board taking into their serious Consideration the unhappy Circumstances of the Country from those violent Measures, in which the Government of Maryland appear to be resolvedly fixt, for dispossessing those People & annoying the Inhabitants in that Neighbourhood, And this Resolution being still kept up, notwithstanding that their Commissioners have, in the late Papers delivered to this Board, shewn the Inclination of their Government for bringing the whole of these Contentions before His Majesty in Council, & that it has been signified to the said Commissioners that this Government had made an Application to His Majesty for that Purpose, and that those Dutch People had themselves applied for the Royal Protection; It is conceived to be the incumbent Duty of this Province to take the most effectual Measures in their Power to prevent any Hostility or Outrage being committed by any of its Inhabitants, and that if Higginbotham and his Associates are resolved to proceed to violences it may be clearly & certainly ascertained that they are y^e^ Aggressors; And that the Care of this Government for preventing & suppressing all riotous Proceedings may further appear, It is the Opinion of the Board that if the said Higginbotham, his Associates, or other Persons are found riotously assembled together within the County of Lancaster, in this Province, the Sherif or some Magistrate of the said County should, with a proper Assistance resort to the place where they are so assembled, and amongst the said Rioters, or as near them as he can safely come, notify to them that by the Laws of this Province the Proceedings in the Case of Riots, & the Punishment of Rioters, being the same as directed by the Laws of England, he has it in Charge to read the Proclamation contained in the Act made in the first year of His late Majesty King George, for preventing Tumults & riotous Assemblies, which Proclamation the said Sherif or Magistrate is to read, and if these Rioters do not disperse themselves, a solemn Protestation ought to be made by the said Sherif or Magistrate that this Government, having the firmest Inclinations to preserve His Majesty's Peace, & to suffer every thing to remain quiet until His Majesty's Pleasure, which is applied for, shall be signified, the said Rioters and each of them, their Aiders & Abettors, who shall proceed to any Acts of

Violence by apprehending the Persons of any of the Inhabitants of this Province, or by ousting them of their Possessions, must be answerable for the Consequences that may ensue on the legal & justifiable Resistance which may be made in such Extremity; But in Case these Rioters shall, notwithstanding, proceed to any such Acts of Violence, the Sherif ought, with a sufficient Force, & by all legal Measures, to exert the Powers wherewith he is invested for apprehending the said Rioters, to the End they may be prosecuted according to Law. And it is Ordered that Directions agreeable to these Sentiments of the Board be transmitted to the Justices & Sherif of the said County of Lancaster.

At a Council held at Philadia., Janry. 3d, 1736–7, P. M.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Thomas Laurence, Thomas Griffits, } Esqrs.
Samuel Preston, Samuel Hasell, }

An Express arriving late last night from Sasquehannah brought a Letter from Mr. Blunston to the President, which he now laid before the Board, and being read it sets forth that Higginbotham and his Associates, who have of late infested that Neighbourhood, had found means on the twenty-ninth of last Month to surprize six of the Inhabitants of this Province, who live on the West side of the said River, of whom four are Dutch, as they were preparing a Grave for the Interment of one of their children; that they were hurried off into the Woods Prisoners, and carried as its believed to Colo Rigby's, to be from thence sent to Annapolis; that the other Inhabitants, particularly the Dutch, having taken the Alarm hereupon, had deserted their Habitations, and were come over the River, and that it was justly to be apprehended that Higginbotham & those with him would proceed to further Acts of violence unless an immediate Stop be put to their Progress by raising a sufficient Force, under the Conduct of one or more officers, to keep a constant Guard in those Parts, and to oppose further Attempts of the same kind, or by such other Measures as the President & Council shall think fitt to direct, whose Instructions are therefore earnestly craved with all possible dispatch.

The Board being thin, & conceiving it necessary that these Matters, of the utmost Moment to the Peace of the Government & the Security of the People, being now come to a Crisis ought to be refer'd for the Deliberation of a full Council, yet in the mean time, that the President may be enabled to dispatch the Messenger with some Answer, they are of Opinion that those Invaders should be opposed by the Sherif, who, by Virtue of the Writ of Asistance wherewith he is furnished, ought to call together a sufficient number of the Inhabitants of his County for that purpose.

It being represented that John Hendricks, who for some years lived on the west side of Sasquehannah, on a Tract of Land laid out to him by the Authority of this Governm^{t} having unhappily engaged himself on the side of Maryland, & been concerned in some of their late Riots, now remain'd in the Goal of Lancaster, for the payment of a Fine laid on him for the said Offence, and that as he is utterly unable to pay the same, it may be adviseable to sett him at large, on his giving proper Security for his future good behaviour; Which the Board agreeing to, It is Ordered that the same be Notified to the proper Officers accordingly.

At a Council held at Philadia., Janry. 9th, 1736–7.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell,
Clement Plumsted, Thomas Griffitts, } Esqrs.
Ralph Assheton,

Another Express arriving this morning from Lancaster brought a Letter from Mr. Blunston to the President, which being laid before the Board and read setts forth, that Higginbotham & his Associates had proceeded to such further Acts of violence as plainly shewed they intended to oust every Person on the west side of Sasquehannah who should refuse to acknowledge the Authority of Maryland; that on the 15th instant they marched to several of the German Inhabitant's Houses, broke the Doors open with Axes, wounded some, and carried away six Men Prisoners; that a small Number of our Inhabitants went in pursuit of them, but did not overtake them till they were gott to their Guard house or Fortress, & the Centinels there giving Notice of the Approach of our People, Higginbotham's Party fired upon them, killed one of their Horses, & took two Men Prisoners, one of whom is believed to be dangerously wounded, if not killed; that the Wives and Children of the Germans who were taken, and several other Families, were come over Sasquehann^{h} to seek for Refuge on this side, and that all the Settlements on the west side would speedily be deserted, unless a sufficient Force is sett on foot to protect them, & to apprehend Higginbotham and his Party. Upon all which the further Directions of the Board, in the most full and explicite manner, are earnestly prayed, and their Advice, whether it may be more elegible to order the Removal of all those who are seated under Pennsylvania on the west side of Sasquehannah, than to use further Endeavours for their Defence, since it is now apparent these cannot be effectual without coming to Blows, and Bloodshed in all probability will ensue.

The Board considering the Distresses & Hardships to which those

poor Germans, by the Cruelty of the Governor of Maryland, are at this severe season exposed, and deliberating on the Question proposed by Mr. Blunston, are of Opinion that it is not consistent either with the Honour or Safety of this Province, to remove those of its Inhabitants who are seated within its unquestionable Bounds, since such an Act might be construed a Cession of those parts to Maryland, who would not fail thereupon to take possession of them; and in all Probability from such an Encouragement, would endeavour at further Encroachments on this side the River, in pursuance of their late exorbitant Claims; but on the contrary, that it rather becomes this Government, in support of its Authority, and in the just Defence of his Majesty's peaceable Subjects in it, to raise and support a force sufficient to oppose those violaters of His Peace, and of His People's Rights, & to seize & secure them that they may be brought to Justice, the conducting of which Force ought to be in the Sherif of the County and his officers.

At a Council held at Philadia., January 20th, 1736–7.

PRESENT:

The Honble JAMES LOGAN, Esqr., President,

Clement Plumsted, Samuel Hasell, Thomas Laurence, Thomas Griffitts, Ralph Assheton, } Esquires.

The Minutes of the three preceeding Councils being read.

The Board resuming the Consideration of the matters before them at their meeting of yesterday are of Opinion, and It is accordingly Ordered, that the Sherif of Lancaster be called upon to raise a sufficient Number of Men of his county, to be disposed in such Places on the west side of Sasquehannah, under proper Officers to be by him deputed, as may prevent further disorders; and that the said Sherif, with his Officers & Assistants, exert their utmost Endeavours for preserving the Peace, protecting the Inhabitants, and use all the legal means in their Power for apprehending Higginbotham & his Associates, and all others who have been, or hereafter shall be, guilty of committing any Acts of violence within the said County.

It is likewise further Ordered, that it be recommended to the Justices of the said county to take full & distinct Depositions of all these late Proceedings of Higginbotham & the Party with him, and that they transmitt the same to this Board.

A Petition of Thomas Hopkinson being presented to the Board, praying that the Office of Clerk of the Orphan's Court for the City & County of Philadelphia, now vacant by the Death of Charles Read, Esq^r, to whom the Petitioner for several years had been Deputy, may be conferred on him, he being acquainted with the

Records & forms of Proceedings of the s^d^ Court. The Board approving of the Petitioner, a Commission is ordered to be issued to him for the said Office.

At a Council held at Philadia., January 25, 1736–7.

PRESENT:

The Honble JAMES LOGAN, Esqr., President,

Samuel Preston,	Ralph Assheton,	Esquires.
Clement Plumsted,	Samuel Hasell,	
Thomas Laurence,	Thomas Griffitts,	

The President representing to the Board the Necessity of making an Addition to the Commission of the Peace for the County of Lancaster, some of those named in the last one being dead, others removed, and several parts of the County being entirely unprovided, a new Commission is ordered to be issued forthwith, and the following Persons are thought proper to be assigned Justices, to witt: John Wright, Tobias Hendricks, Samuel Blunston, Thomas Edwards, Sam^l^ Jones, Andrew Galbraith, Edward Smout, Derick Updegraaf, Mark Evans, John Caldwell, James Whitehill, and Emanuel Carpenter; But the Board not having sufficient Knowledge of proper Persons about Pextang or Soatara, where an Appointment of one or more Justices is wanted. It is recommended to the President to cause an Enquiry to be made who may be fittest to be commissionated in those parts, & to report the same to the Board.

A Petition of sundry Inhabitants of the County of Lancaster was presented to the Board and read, setting forth the want of a Road from the Town of Lancaster to Coventry Iron Works, on French Creek, in Chester County, and praying that proper Persons of each of these Counties may be appointed for laying out the same from Lancaster town to the said Iron Works, one Branch of which Road to goe to the new Furnace, called Redding's Furnace, now erecting on the said Creek. Which Petition is referred for further Consideration.

EODEM DIE, P. M.

PRESENT:

The Honble the President and the same Members as in the forenoon, except Mr. Hasell.

It having been repeatedly pressed in several of the late Advices from Lancaster, that some Gentlemen of Credit and Authority should be sent up into that County, by whose Encouragement and

Countenance a greater Furtherance might be given to such measures as should be found necessary to be concerted for the Preservation of His Majesty's Peace, & the Protection of the Inhabitants from those Outrages to which they have of late been exposed; And two Members of this Board, Messrs. Laurence & Assheton having been prevailed upon to take this Trouble on them, & intending to sett out to-morrow, they now apply to know whether they are to be furnished with any particular Instruction for their Guidance.

Whereupon the Board are of Opinion that as in the Minutes of the 19th and 20th instant the Sense of the Council is fully expressed touching the Measures which are conceived necessary to be taken on the present Commotions in Lancaster, it only remains that it be recommended to those two Gentlemen to use their best Endeavours & give such Orders as they shall judge most conducive for carrying those Measures into execution, & that they will further do whatever lies in their Power for re-establishing Peace & good Order in those parts of the Country.

Upon the President's representing to the Board that an application had been made to him in behalf of Mr. Hamilton, the Prothonotary of the Court of Common Pleas for this City and County, that he may have the Powers of a Justice of the said court granted him, whereby he may be enabled to sign Civil Writts, take Special Bail, & enter Judgments in Civil Causes, the want of which Power in the Officer occasions frequent Trouble to the Magistrates, & may in other Respects be often very inconvenient; It is Ordered that a special Commission, assigning the said Prothonotary a Justice of the said Court for the purposes before mentioned, be issued, but restricted in such manner as that he may not sett in the same Court as a Justice, which is judged to be incompatiable with his Office as Prothonotary.

At a Council held in Philadia., Febry. 8th, 1736–7.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Clement Plumstead, Samuel Hasell, Thomas Laurence, Thomas Griffitts, Ralph Assheton, } Esqrs.

The Minutes of the two preceeding Councils were read & approved.

Mr. Laurence and Mr. Assheton being returned from Lancaster on Saturday night reported this day to the Board, that having mett several of the Justices & the Sherif of that County, they understood from them that the Sherif, in pusuance of the Orders of this Board, had gott about fifteen Men together on the west side of Sasquehan-

nah, to observe the Motions of Higginbotham & his Party, & to prevent their further Attempts on the Inhabitants; that since the late Action of breaking open the Houses of the Germans & carrying them off Prisoners, nothing of Moment had hapned; that Higginbotham with a number of his Associates were gone towards Annapolis with these Prisoners, & the others kept themselves shutt up in their Guardhouse or Fortress; that their whole Force consisted of about twenty five Men, most of whose Names they had gott; That they, the said Members of Council, had hereupon advised to an Augmentation of the Number, whom the Sherif had conven'd, & they were accordingly encreased to twenty eight; that one Solomon Jennings being recommended as a Man of Discretion & Conduct, the Sherif had constituted him his Deputy for the Preservation of the Peace, & the Execution of those Warrants lodged with him for apprehending several of the Rioters; That Jennings, with those whom the Sherif had thus called to assist him, were so stationed on the west side of Sasquehannah as to be able to prevent any further Violences from Higginbotham and his Associates, And that the Country in general had conceived so great & just Resentments against those Rioters, for the Cruelty of their Proceedings against the Germans, that many offered their service and importuned the Sherif to march directly up to their Fortress, and to take them at all Hazards; but the Sheriff, agreeable to the Directions given him, being unwilling to hazard the Lives of any of His Majesty's Subjects, contented himself with keeping his People together for Prevention of further Violences.

These Gentlemen likewise reported, that on proper advisement they had thought fitt to delay the Publication of the new Commission of the Peace, because the greatest Want of Justices being in those parts about Soatara, the Inhabitants there might believe themselves neglected if they saw no Provision was made by the said Commission; that besides, there appeared no Inconveniency by this Delay to the other parts of the County, in some of which, by the Addition lately made, Justices were multiplied without any real Necessity. That having informed themselves of Persons who might be proper to be commissionated for Soatara & that Neighbourhood, William Rennicks & John Murray were recommended by severals in the Magistracy.

The President, in the name of the Board, thanked those two Members for the Trouble they had taken, by a Journey in so severe a Season to do Service to this Government; and the Court of Lancaster County being now over, the Commission of the Peace for the same is referred for further Consideration.

At a Council held at Philadia., March 1st, 1736–7.

PRESENT:

The Honble JAMES LOGAN, Esq., President.

Samuel Preston,	Ralph Assheton,	Esqrs..
Clement Plumsted,	Samuel Hasell,	
Thomas Laurence,	Thomas Griffitts,	

The Minute of the preceeding Council being read & approved,

The President acquainted the Board that he had called them together to lay before them two Letters he had this morning received, one from the Governor of Maryland & the other from Mr. Hunston.

The last being directed to be first read, setts forth: that Higginbotham's Garrison was now about the Number of thirty, that some Differences having arisen amongst the People whom the Sherif of Lancaster had gott together & kept under the Command of his Deputy, Solomon Jennings, on the west side of Sasquehannah, it had been found necessary to discharge severals; that Jennings had declined continuing longer in that Station & had left them; that Higginbotham had offered to purchased some of the Dutch People's Improvements, by order, as he gave out, of the Governor of Maryland; that he had also told some of them if they would stand neuter, & not hold by either Government, they should remain unmolested; that many of these having been obliged to leave their Houses, it was not without the utmost Difficulty that their families had been able to subsist themselves this Winter, & if on the approaching season, they should be prevented by a Continuance of such Violences from putting in a Spring Crop, they must either perish, remove, or submitt to Maryland; that Provisions are extremely scarce, & the keeping of the Sherif's Assistants together on the west side of Sasquehan[illegible] very expensive; that they have few or no Opportunities of falling in with Higginbotham's Gang, who for the most part keep within their Guardhouse, where the Sherif will not consent that they shall be attacked; That the large Rewards offered by the Governor of Maryland for apprehending divers of the Magistrates of Lancaster County, as well as others of the Inhabitants living on the east side of the River, have induced several Rogues to come into those parts to attempt something of the kind, one of whom was lately taken up, & after Examination committed to Prison. Upon all which the further Advice and Direction of the Board is desired, & to their Consideration is likewise submitted a Proposal mentioned in the said Letter, that the Dutch, rather than be thus harassed by Higginbotham and his lawless Crew, and remain exposed to their further Violences, should in a Body goe to Annapolis, & presenting themselves before the Governor, there acquaint him that several of their Countrymen having been barbarously used by the armed Party of Men, who by his Or-

der lie in wait in their Neighbourhood to seize and carry the
Prisoners, they have chose, rather than fall into the hands of
Men, to come down to him to know his Pleasure with them, &
they have humbly applied to His Majesty for the Redress of
great Grievances.

On the same Subject with the above Letter is another,
days before to Our Honble Proprietor from Mr. Blunston, &
delivered to the President was by him now communicated t
Board, giving an Account of the State of the Country at that
and of Higginbotham's Party having broke into the Hou
Joshua Minshal early in the morning of the 12th of February
prising him in Bed, & carrying him off Prisoner, that being pu
by some of the Sherif of Lancaster's People, who had no Not
this Action till some hours after it hapned, the Gang had g
their Guardhouse before they could be overtaken, and there i
not thought proper to attack them.

Then was read the Letter from the Governor of Maryla
these Words:

"Annapolis, 24th Decemr 17

"Sir—

"I have received your Letter of the 16th of this Month, wh
you express a Desire That I would join with your Governme
some effectual Measures that all his Majesty's Subjects dwelli
or near the Borders, who are equally Objects entituled t
Majesty's unlimited Goodness and Care, may enjoy that Peace
he ever studies to give to all his People, till such time as his
Pleasure can be known & his Orders be received, for putting an
to all those unatural Contentions for which you have humbl
plied, as We may probably think it proper to do the same, and
will in the mean time, on your Part, very chearfully come int
reasonable Concessions that can be proposed for obtaining so
an End.

"These Words are so fair & reasonable that I must own they
have given me infinite Pleasure had I not found by fatal Experi
that the greatest Violences and Outrages committed agains
Inhabitants of this Province, have constantly been accompani
followed with such like pacifick Expressions; And the late M
at Capt Cressap's, with the burning of his house with all his
stance, of a considerable Value, being an Affair of so hor
Nature, & attended with such circumstances of deliberate Cr
as was never perhaps heard of under an English Governme
should have been surprized if the Gentlemen in the Governme
Pennsylvania, whose abilities are not to be questioned, had not
able to find out Words more than ordinarily soft and mild up
extraordinary an Occasion.

"But pray what do a thousand such Words as these Avail?
they make the deliberate cruel Proceedings of your Magistra

Cap^{t} Cressap's the less shocking, or can they Vindicate your Government in giving such manifest Countenance to such proceedings?

"A few soft and plausible Words artfully put together, may, its true, but too readily throw a Mist before the Eyes of the weak and ignorant, but it is not to such that We desire to appeal.

"Our whole Reliance is on the Justice & Wisdom of his Majesty, who alone can be Judge how far the Provinces of Pensilvania, much stronger than Maryland, not only in Numbers, but likewise in that warlike Disposition of your People, which you but too surely threatened Us with, may be allowed to go on in burning Our Houses, murdering Our People, & other such like Acts of Hostility; therefore to his Majesty alone must that Affair be referred.

"You know very well it is impossible for Us to propose more reasonable Conditions than We have already done to preserve Peace on our Borders till such Time as our Disputes shall be finally ended in England. You know, likewise, that those Proposals, tho' frequently repeated, both by word of Mouth & in Writing, have been constantly rejected by your Government, without offering any thing that appeared to Us to have so much as the Shadow of Reason in the Room of them.

"What signifys, then, your now saying that you will chearfully come into any reasonable Concessions? You have constantly said so, & as constantly rejected what Every individual Man in the Council of Maryland thought most just and reasonable.

"If You have now in Reality altered your Minds, & are willing, as you say, to come into Concessions really reasonable, I beg the favour of you to leave general Expressions, which we have found of so uncertain a Signification, and let us know precisely what the Concessions are that you are willing to come into, and if they are reasonable, I promise to join with you chearfully and heartily. In the mean time I beg leave to remain,

"Sir,

"Your most Obedient, humble servant,

"SAM. OGLE.

"To The Honourable James Logan, Esqr., President of the Council of the Province of Pennsylvania."

Whereupon, the Board remarking that it is now near ten weeks since its Date, in which time several Mails from Maryland have arrived, that if it was wrote when it bears date, it is very difficult to reconcile those extraordinary Violences that have been since carried on by the Authority of that Government, with the Professions which Mr. Ogle makes of his Inclinations for establishing Peace, & with the Desire that this Government would make Proposals for that End It is therefore thought necessary that the Post master should be sent for & examined touching his Receipt of the said Let-

ter. And the Messenger of the Council being sent to require his Attendance, he came, & being called in & examined, declares that he received the said Letter by the Mail brought last night, that he never saw, knew, or heard of it before, and that three Mails have come from Annapolis to this place since Christmas last.

The Post master being directed to withdraw,

The Board are of Opinion that whatever Reasons Mr. Ogle might have for either antedating his Letter or keeping it back when finished, and altho' on the Letter wrote to him from this Board, of the 16th of December last, he hath declined offering any Proposals on his part, it may nevertheless be proper, on this Call from Maryland (the first that has been known to come from thence) to make some Proposals on the part of this Government for procuring Peace to His Majesty's Subjects, who have so deeply suffered by the late unprecedented Measures that have been pursued by the Governor of Maryland. And upon this Occasion, the Board had Recourse to the Letters that had pass'd between the said Governor and the late Governor Gordon, on considering which, together with what the present Exigency may further require to be added, sundry Propositions were made & debated, and some principal Points being fixed, the further Consideration of a matter of so great Importance is adjourned till to-morrow, against which time the President is desired to reduce into writing those Heads which the Board seem to agree in, that they may be then further deliberated upon.

At a Council held at Philadia., March 2d, 1736–7.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston,	Ralph Assheton,	} Esqrs.
Clement Plumsted,	Samuel Hasell,	
Thomas Laurence,	Thomas Griffitts,	

A Draught of an Answer to Governor Ogle's Letter, concluding with some Proposals, of which the Heads had been mentioned at the Preceeding Council, being prepared by the President, was laid before the Board and read, and after some time spent thereon, it is continued under Consideration.

At a Council held at Philadia., March 5th, 1736–7.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Clement Plumsted, Samuel Hasell, Thomas Laurence, Thomas Griffitts, Ralph Assheton, } Esqrs.

The Consideration of the Letter to Governor Ogle being resumed, and the several parts of it and Proposals therein made maturely considered, and now fully concluded upon, a fair Copy is ordered to be transcribed, sign'd by the President in behalf of this Board, & forwarded without Loss of time by a Messenger Express. Which Letter is in these Words:

Philadia., March 5th, 1736–7.

"Sir—

"Our President communicated to us your Letter of the 24th of December, received by him in the morning of the first instant from the Post Office; which coming to hand near ten weeks after its Date, we sent for our Post Master to know how long it had lain with him, and he positively declared that he received it but the preceeding evening, the 28th of February, by the Maryland Post, & that till he then found it in the Mail, he had never seen, heard, or knew any thing of it before. Being further questioned, he also assured us that the same Post had in the time mentioned made several Returns from Annopolis with Letters, which he had duly delivered as they came to his hands.

"This Date, therefore, has laid us under some Difficulties how to consider your Letter; for as that appears, after all the Misrepresentations couched in it, to show some Disposition on your part to hearken to pacifick measures, yet such Hostilities & inhuman cruelties have been committed by Persons acting, as they affirm, by your Authority since that date, that we can by no means reconcile them to the least Degree of Inclination to Peace. Therefore, to give the matter some Consistency, we shall suppose the Letter expresses your present Sentiments, but that for some Reason mysterious to us, you have thought fitt so far to antedate it, and accordingly we shall answer it as follows:

"On these unhappy Disputes we have found it necessary to view & consider the several Letters that formerly passed between you & our late Governor on the subject, & heartily wish you had been pleased to review or recollect them, for we find every thing you had alledged in yours against this Government so fully answered by those of Governor Gordon, that if you had Recourse to them it must have prevented your repeating the same things over and over. It has been the constant strain of your Letters, we observe, to load this Government with a Charge of Rioting & committing Insults

on the Inhabitants of yours; &, indeed, if those Letters were to be read & depended on, we might be considered as some of the most unreasonable, turbulent, & unjust People in the Universe; yet when the real Facts & Proceedings as truly represented in the answers from this Government, are on the other hand considered by any equitable & impartial Judges, it will evidently appear you have thro' the whole been the Aggressors, and that till after your noisome Goals (as you have been fully told before) had been peopled with our innocent Inhabitants, nothing had been attempted on our part, and then only in self-Defence; for it cannot be doubted but that the apprehending of Criminals, Authors of the greatest Disorders, and constantly animated to continue them more insolently & abusively than ever, is as necessary a Part of Self-Defence as to oppose an Attack the same instant it is made.

"But what must the World judge, or yourself say, of the last Transactions begun about the time of the date of your Letter, and since continued by your new Captain Higginbotham & his Crew, the seizing & taking at one time half a dozen quiet & peaceable Men from the human Office of digging a Grave to bury the dead of a Neighbor's Family, hurrying them thro' the Woods in the most rigorously cold Season that has been for some years known, about an hund^d. miles on foot, & there committing them in the like Weather to a narrow noisome Goal without any other Subsistance than a Pint of Indian Corn boil'd in Water for the whole twenty four hours, for which Pint of the value of about a half penny each Man is charged by the Sherif twenty pounds of Tobacco for each day, and no Fire, or any other Lodging than the bare Floor allowed them further than as the distressed People could procure them from the Humanity of others, or borrow money to purchase them. And others again of the same People yet more barbarously treated; for Instance, your Captain & his Gang breaking down the Window fired in upon the Family at one Man's house, then violently breaking up both his Doors they cruelly beat him & his Wife with their Guns till they broke two on them, & then took the Man; another they took from his Threshing, & being at the work very thinly clothed, his Wife following him to carry his Coat to him, they fired at the Woman and obliged her to return; they cut down the Door of a third & took the Man; at another who fled on Horseback to escape them they fired two Shot; at another's House they cut down two Doors & took the Man; at another's they cut down three doors, two at his House & one at his Mill, & took him; and then took two others who went to them with an Intention to have those unhappy Prisoners freed; and all these, when thus taken, they hurried down in the same manner to Annapolis & committed them as they had the others before. They have also since taken Joshua Minshal, a frequent Sufferer in your Goals, for no other Reason formerly than acknowledging the Jurisdiction he lives under, and now for none that we can learn beside their own or your Will and Pleasure. Nor

we find that any thing is or can be alledged against those Dutch-
n, or Germans, more than that being from their own Observation
nvinced (for they were never, that we can discover, solicited or
swaded to it by any of this Government) that the place they
ed in could not be in Maryland but in Pennsylvania, &, therefore,
y thought themselves obliged in Conscience to acknowledge their
htful Proprietors, & accordingly lett you know this, a Proceeding
t, on their application to some of our Magistrates of Lancaster,
y were advised to as the most candid & ingenuous they could use
their Return to us, which they had of themselves proposed &
re determined in before.

"These unexampled Violences & Cruelties, therefore, laid this
vernment under a Necessity to engage the Sherif of Lancaster
th a proper Strength to curb the Insolencies of those lawless
retches, that they might not continually go on to the Scandal of
vernment in perpetrating such horrid Outrages, yet with strict
ders at the same time that they should disturb no peaceable Per-
n, nor act any part but what was absolutely necessary to suppress
at Criminal Gang. Now if by any Art, Colour, or Turn, these
isorders, or any of them, can be charged on us, though the at-
mpt would not be without Precedent in your past Letters, it might
deed be thought ingenious; but how just or consistent the Prac-
e is with the Spirit & Disposition becoming all those who are
trusted under His Majesty with the Powers of Government, the
le End of which is to maintain Justice & secure the Peace of the
bject, even the meanest may be able to judge.

"Much the same is to be said of what you insist on of the many
cifick Proposals you have made, which this Government always
swers, you say, with a Collection of fair & plausible Words, but
othing to the purpose: For of those two you made to Mess^rs
lamilton & Georges, at Annapolis, the first was clearly shown to
ou by our late Governor to be most unreasonable, since the Conse-
uence of it would have been the voiding of the late Agreement,
hich this Government must always insist on, & is well assured by
ood Authority, both is & must continue in full Force, unless it
hould be otherways declared by that great Judicatory it is now
ubmitted to; and that the other, which was that all who had
ettled near the Borders since your Accession should be removed, &
o further Settlements made till the Lines were fixed, was utterly
mpracticable. Your next Proposals made the last Spring, that it
hould be agreed on both sides, that all then in possession near the
isputed Borders should be suffered to continue quiet in them, with
a Salvo for the Proprietor's Rights, was also as fully answered, &
lemonstrated to be most unreasonable, for those parts on the west
f Sasquehannah that have been lately made the scene of these
Contentions, had for many years before the last Agreement, as well
s the Lands on the East side, been in the rightfull possession of

this Province, & never at any time in that of Maryland, but were invaded & asserted by you after that Agreement, which ought to have ended all Disputes of the kind, had been actually entred into, & when, from that time, you had carried on your unjustifiable Encroachments as far as you thought fitt, you then desired this Government would agree the Possessors should peacebly hold them, by which would have been conceded to you, as far as it was in the Power of our Government, every thing you wanted or could crave of us. Which is just the same as if of two Persons, the one being possessed of Goods by a Right fully acknowledged by the other, that other should forcibly deprive the first of them, and then require him to give Consent that he should quietly keep possession of them till the Right were determined by Law—a Proposal that, when rightly considered & understood, all the rational and equitable part of Mankind must certainly conclude to be in the highest Degree unreasonable & unjust.

"Now these Proposals, being all we can find you ever made, and seeing as well they as your repeated but unjust Charges against us have been very particularly & fully answered before, we must beseech you to save yourself & us the Trouble of repeating or answering the same things any more. We beg you also to consider the Propriety of now continuing them, at the same time that a Gang of profligate Fellows, in hopes that, in Reward of their Wickedness and Barbarities, they shall be put into Possession of the Labours of honester Men, are, by your Authority, ravaging the Country and committing such horrid Outrages as those we have mentioned, on the Unjustifiableness of which, & some other Proceedings, you may perhaps at length have reflected, & we will hope at least that you are now truly in earnest in proposing to treat of Measures that may fully put an End to them. It has ever been the sincere Desire of this Government to preserve Peace & maintain a perfect good Understanding with Maryland, and you well know by what means it has been interrupted. We may indeed now expect Orders from Court in a little time; but as many things may intervene to prevent or delay them, in the mean while it becomes us, in our respective Stations, to lose no Time in procuring to His Majesty's Subjects under our Care that Peace to which, while they act not criminally, they have an undoubted Right under His auspicious Reign. Therefore, since you have now at length thought fitt to desire our Thoughts on the Subject, & to know what Concessions we would make, we shall here give our Sentiments of what appears to us the most probable Method, under the present Circumstances of things, to establish Peace amongst those distressed People on the western side of Sasquehannah River.

"Observing first, that when the Royal patent of Maryland is duly considered, & that it can be evidently made appear it was intended that Province should be bounded Northwards by a Line passing close by the Head of Chessapeak Bay; That Charles Lord

Baltimore, very soon after the first Settlement of Pennsylvania, caused an East Line to be run from the Mouth of Octararoe Creek to Delaware, & sent his Commissioner to Philad^a to demand the Possession of the Lands to the Southward of it only; That Maryland never extended their Settlements to the Northward of that Line—those very few there were being made by Persons on their own Presumption; That the present Lord Baltimore, in the year 1723–4, agreed with our Proprietor that no Person in either Government should be molested for a certain space of Time, within which it was hoped the Agreement then in hand for fixing the Boundaries would be concluded, the Equity of which undoubtedly continued till such Conclusion; That his Lordship in the year 1731, by Articles between himself & our Proprietors executed the May following, agreed that his northern Boundaries should be an East & West Line, to the Limits of this Province, at the Distance of Fifteen miles South from Philad^a, & that all Persons seated to the northward of it should peaceably hold their Lands under Pennsylvania, & those to the Southward of it under Maryland; That in that year, 1724, not one Person was, or before it ever had been settled, as far as we can discover, by any Grant from Maryland, in any of those parts on the west of Sasquehannah that have since been claimed by the Government of Maryland; These Particulars, we say, considered, it is certainly astonishing that Maryland should now make the least Claim or Pretence to any of those Lands that have of late been with such Violence invaded & asserted under your Government; All which we cannot but presume must be carried on without the Lord Baltimore's Privity, or at least without his Approbation; for we mention it to his Lordship's Honour, that upon Application made to him, when in Philadelphia, for the Grant of Lands lying on the west side of Sasquehannah, in those parts opposite to Connestogoe, he was pleased to declare, with that Frankness natural to his Quality, that he neither would himself nor suffer any of his Officers or Agents to grant any Lands within the disputed Bounds untill the Controversy should be ended. The late Agent also of your Land Office has positively declared that upon the several Applications that had been made to him for Grants of Lands in the same parts, he had ever refused them, which probably might proceed from the Knowledge of his Lordship's Sentiments & Resolutions in the Case.

"Now seeing it is obvious to common Sense that without some certain known Limits for Civil Jurisdiction & the Administration of Justice, it is scarce possible by any means to avoid Confusion amongst the Inhabitants, & therefore some ought to be agreed on, Surely no Limits can be proposed more reasonable than those in being in the year 1724, extend^d Westward, or those agreed to in the Articles of 1732, with a full Salvo to be continued for the Proprietor's Rights & Claims on fixing the decisive Boundaries of their Property; for neither at the time of that last Agreement, nor at

any time before, was our Exercise of Jurisdiction over those part now contested, ever opposed or disputed, that we can learn. But i fixing such Limits it will, for the further preventing Disputes, b necessary that no new Settlements whatever shall be suffered i those parts, save by the same Families that are now in Possessio on the Lands they held or claimed before.

"Tho' this Proposal appears the only one to us that can b deemed reasonable & prevent Confusion amongst the People, & W shall always be ready to submitt it to the Judgment of Our Supe riors, yet so ardent is our Desire to procure Peace to His Majesty' Subjects in those parts, who have been so miserably harrassed b your late new Claims, that if on your Part you can propose an rational Measures to render the thing practicable, we shall not op pose but that all those who first took up their Lands under Mary land may be allowed to acknowledge that Government, only thos who coming into this Province to inhabit it and going over Susque hannah to seek for Settlements, were either forced or decoyed b T. Cressap or others to submit to your Government, ought certainl to be left to That to which they first belonged, and all those wh settled as Pennsylvanians under This should continue so in Peace But as it cannot be expected these Points can be settled betwee us by the Intercourse of Letters only, and other Particulars nece sary to be considered may properly be thought of, we propose th some Persons on each side be authorized & appointed to meet a some convenient Place as Commissioners to adjust the whole.

"In the mean time we make it a Preliminary that all those wh have been employed on your part to seize our People, and all wh appear in Arms for any such Purpose, shall immediately retire, a all ours also, whom our Sherif of Lancaster has been obliged to ca & keep together to oppose the others' illegal attempts, shall on th first effectual Orders you give therein be likewise dismissed; & th no Person whatever in or near those parts shall on either side b molested on any cause or Pretence arising from these Disputes or th Proprietary Claims.

"And we must add, that as these Proposals are made on our pa solely with a View on the present Exigencies to procure Peace t His Majesty's distressed Subjects, neither the whole nor any pa of them shall by any Construction, Implication, or Inference wha soever, be interpreted to make any Concession, or to give the lea Advantage, directly or indirectly, to either your or our Proprieto or Government, on either side, in their respective Rights or Clai over the other; but excepting for the Purposes they are now in tended, they shall in all other Respects be wholly void, as if nev made or thought of.

"These Proposals, we hope, will effectually convince you that are not for offering Words (as you charge us) without meaning, b that we are truly in earnest; & that we may be the more sure

your Answer we send this, not by Post, but Express, & accordingly we crave it by his Return, and are,

"Sir,

"Your Friends and humble Servants,

"In behalf of the Council,

"JAMES LOGAN, Presid^{t}

"Be pleased to direct to President & Council and not to me only.

"J. L.

"For His Majesty's Service.

"To the Honble. Samuel Ogle, Esq., Governor of Maryland."

And in answer to the late Accounts from Lancaster, the Board are of Opinion that it may be sufficient to acquaint the Justices and Sherif there with the Receipt of the late Letter from Mr. Ogle, that an Answer has been given to it from this Board & dispatched by Express, till whose Return, and the further Knowledge of the Governor of Maryland's Disposition & Resolutions, they ought to continue their utmost Care & Vigilance for the Preservation of His Majesty's Peace & the Protection of the Inhabitants from the further Outrages of the Banditi in that Neighbourhood; And the President is desired to write to this Effect to the Magistrates of the said County of Lancaster.

At a Council held at Philadia., March 7th, 1736–7.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston,	Ralph Assheton,	Esqrs.
Anthony Palmer,	Samuel Hasell,	
Clement Plumsted,	Thomas Griffitts,	
Thomas Laurence.		

The Minute of the preceding Council being read & approved,

The following Letter from the Lieutenant Governor of South Carolina, received yesterday by the New York Post, was communicated to the Board by the President:

"Duplicate of the Letter sent under Cover to the Governor of Virginia.

"Council Chamber, Charles Town, 5th Febry., 1736–7.

"Sir—

"This Government has within these two Days received advice from Commodore Dent, of his Majesty's Squadron at Jamaica, that there is an Armament of Spanish Ships of War & Troops preparing at the Havana to be sent to S^{t} Augustine, & from thence Attack the New Colony of Georgia and this Province. This Government has

taken all possible precautions to give the New Colony all the Assistance in their Power, and also to put this Province in the best posture of Defence; And in Order to Distress the Spaniards, An Act of General Assembly is passed authorizing me, with the Advice of His Majesty's Council, to lay an Embargo on all Ships and Vessels, and to prohibit any kind of Provisions being Exported, by which means a Stop will be put to supplying the Spaniards at S^{t} Augustine with Provisions and Ammunition from this Province; But as they may be supplied with the same from your Government, It is my request to you that you will use the properest means to hinder any Vessels going from your Province to that Garrison. I cannot doubt of your ready Complyance and Assistance in all things for the Preservation of his Majesty's Frontiers & Territorys in America. I am,

"S^{r},

"Your most obedient humble Servant,

"THO. BROUGHTON.

"On His Maj^{ts} Special Service.

"To the Hon^{ble} James Logan, Esq^{r} President & Commander-in-Chief of Pennsilvania:

It being observed that, on the Receipt of the same Advices at York, a Proclamation had been there issued for preventing any Supplies being sent from thence to the Spaniards, The President proposed that the like should be done in this Government, Which being unanimously agreed to by the Board, a Draught of a Proclamation that by Direction of the President had been prepared by the Secretary, was laid before the Board, read, & with some Amendments approved, And it is Ordered that the same be engrossed, sealed, & published forthwith In these Words:

"By the Honourable James Logan, Esq^{r} President, and the Council of the Province of Pennsylvania.

"A PROCLAMATION.

"Whereas the Honourable Thomas Broughton, Esq^{r} Lieutenant Governor & Commander-in-Chief of His Majesty's Province of South Carolina, by his Letter directed to our President, bearing date the fifth day of last February, hath signified the Receipt of certain Advices from Commodore Dent of His Majesty's Squadron at Jamaica, that an Armament of Spanish Ships of War & Troops were preparing at the Havana to be sent to S^{t} Augustine, & from thence attack the New Colony of Georgia; and the said Province of South Carolina, which last was thereupon taking all possible Precautions to give the said New Colony all the Assistance in their Power, & putting themselves in the best Posture of Defence, and for this End had prohibited the Exportation of any kind of Provisions, to prevent the Spaniards at S^{t} Augustine receiving any Supply; but as they may be supplied from this Government, it is

requested that the properest means may be used to hinder any Vessells going from hence to that Garrison. We have therefore thought fit to issue this, Our Proclamation, hereby strictly Charging & Requiring all His Majesty's Subjects within this Government, that they do not by any means, directly or indirectly, furnish the Spaniards, or any of them, with any Warlike Stores, Merchandizes, or Provisions of any kind whatsoever, whereby a Furtherance may be given to such Enterprize against the Dominions & Territories of the Crown of Great Britain, as they will answer the contrary at their Peril.

"Given in Council, under the Great Seal of the Province, at Philadelphia, the seventh day of March, 1736–7, in the tenth year of the Reign of Our Sovereign, Lord George the Second, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth.

"JAMES LOGAN.

"By Order of the President & Council.

"R. CHARLES, Secry."

"GOD SAVE THE KING."

At a Council held at Philadia., March 16th, 1736–7.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell, Thomas Laurence, Thomas Griffitts, } Esqrs.

The Express to Maryland returning late last night brought a Letter from the Governor of that Province, which being this day laid before the Board by the President, was read in these Words:

"Sir—

"I have received your Letter of the 5th instant, & am sensible that mine of the 24th of December did not come to your Hands as soon as it ought to have done, an Accident having hapned to the Person it was first given to. You suppose it was so far antedated out of some mysterious Design or Other, but as I am well used to such sort of candid Interpretations I shall readily pass over every thing personal, my sole view being to bring You to some reasonable Measures, if possible, to put a Stop to such Violences & Disorders as must at present, no doubt, occasion great Reflections on both Governments, tho' when the Affair comes to be duly considered before impartial Judges, I make no Doubt of a proper Distinction being made between the Aggressors & those who have done nothing but what self-Defence absolutely obliged them to; that being a thing that I hope will be allowed us by Others, tho' you seem to think it a Privilege that We are wholly unworthy of.

"A Number of Our Inhabitants, by the Threats & Perswasions of Your Magistrates, declare they will no longer pay their Taxes to this Government, and stand in open Defiance; what can be done more legally than the levying of the said Taxes by the proper Officers? yet this You judged such an Offence in us that you thought fitt to declare open War against this Province by Proclamation, and accordingly the Sherif of Lancaster County, with One or more of your Magistrates, proceeded to the Burning of Capt^n Cressap's house, with all his Substance of a considerable Value, after as deliberate a manner as they could have proceeded in upon the most legal and warrantable Occasion; Upon this we are obliged to endeavour to get together such a Force as may be sufficient to put a Stop to such cruel & unheard of Violences, and this I find You seem to think a greater Crime than the Other, nay you seem to carry this way of reasoning even to our very Correspondence by Letters; We have whole sheets of Paper filled with laborious & repeated Arguments of all Sorts, concerning the Justness of your Claims, and if We answer them in half the Compass, You seem offended at Our repeating, as you term it, the same things over and over; after such a Complaint in the begining of your Letter, I must own I should not have expected that you would have proceeded so directly to the Repetition of several of your old Argum^ts which We thought We had so fully & clearly answered before. I have so much Regard for every Recommendation of yours that can be reasonably complied with, that I must own I would have given You the Pleasure to let them pass unanswered at present, since you seem to desire it, if the Point you seem to contend for was not too material to be given up so easily: It is no less than which of the two Governments is in the wrong, by refusing to come into such measures as were truly reasonable, to prevent all these Disorders that have lately hapned on Our Borders; therefore I must beg to speak a little to the Point.

"I shall not, as you seem to affect, speak in such general Terms as may be for ever used without a Possibility of any thing being distinctly understood by them, but set down the very Words in which we made Our several Proposals, that it may the more readily & clearly appear Who have acted the most candid and reasonable Part.

"The Proposals made to Mess^rs Hamilton & Georges on the 23d May, 1734, by me, were That both Governments should immediately join in an Application to his most Gracious Majesty, with Our humble & dutifull Request, that he would be pleased to take into his just & wise Consideration the Mischiefs arising from the Uncertainty of the Boundaries of our respective Governments, & determine & fix the same as in his Wisdom & Justice he should be graciously pleased to order & direct; and further, that both Governments should, by their joint Endeavours, not only remove & discourage any new Settlements on the Borders, which had been

made since my administration of this Government, but also by Proclamation in Each Government forbid & deterr any Person within Our respective Governments from making any other new Settlements on the Borders till his Majesty's Pleasure should be known.

"These Proposals, so reasonable & necessary for the Preservation of Peace, proved disagreeable not only to those Gentlemen, but also to the Government of Pennsylvania, who always laboured to avoid the Necessity of agreeing, by a Pretence of Inpracticableness, or of voiding the Agreement; Whether such Apprehensions will answer that End you propose of justifying the Government of Pensilvania for not coming into those Terms, must be submitted to more impartial Judges.

"Notwithstanding such Cavils, I was not discouraged in my Earnestness for Peace & Quietness, And therefore in my Letter of the last Spring, I repeated the same Proposal, but to my great Astonishment & Concern, new Objections were still raised (I hope not with a view to the Arts of seducing our Inhabitants from their Obedience to this Government, and the many Violences & Mischiefs which after followed); but this I will say, that if these Proposals had been conceded to, your Government would in all Probability have had less to answer for.

"Be pleased to indulge me with the Satisfaction of expressing what sincere Comfort I have now reason to take from my own Conduct in making those Proposals, since upon the Plan of those very Proposals (which have been so often repeated to and as often rejected by your Government) You seem willing to consent That those who first took up their Lands under this Province may be allowed to acknowledge this Government; Nor can I omit at the same time doing Justice to your Candor, which has so far prevailed with you as to shew your good Opinion of the Reasonableness of those Proposals, 'If I can on my Part propose any rational Measures to render the thing practicable;' I will not believe this Task is imposed on me with a Design in you to abate the ardent Desire You seem to express for the Peace of his Majesty's Subjects on the Borders, But rather that your former Disinclination to agree to those Proposals might seem only to proceed from an Apprehension that something more was intended or desired by this Government than was plainly expressed by the Words of that Proposal; To remove this Suspicion, I do with great Truth assure you that nothing but the most genuine and natural Import of the Words of that Proposal ever entered into my Thoughts; And therefore I think it very easy to give you an Answer to the Practicableness of those Measures since the very Words seem to me so clear in their Meaning, that they cannot admitt a Doubt, And nothing is expected to be done in pursuance of them but what is sufficiently in the Power of Each Government to effect. And I must acknowledge my own Incapacity to explain by clearer & more significant Words that practi-

cableness which is contained so exceedingly plain in the proposed Terms; But as I was entirely satisfied of their Reasonableness & Justice when I first made them, so I am now the more confirmed by your Candid Condescension, and I should be unwilling (if I could) to use any other Words, lest their meaning should not be so clear & explicite, and by that means I might lose sight of the opening Prospect of Peace on Our Borders.

"You seem willing not to oppose, 'But that all those who first took up their Lands under this Province may be allowed to acknowledge this Government, Only those who coming into your Province to inhabit it, and going over Susquehannah to seek for Settlements, were either forced or decoyed by Thomas Cressap or Others to submit to this Government, ought certainly to be left to those to which they first belonged.' I will still endeavour to banish a suspicion which might naturally arise, That this Exception of Only those, &c. was thrown in as a Pretence to retract your Consent to my pacific Proposals in Case I should not agree to that most extraordinary Exception. For the reason you seem to assign for this Exception is because they came into your Province to inhabit, and went over Sasquehannah to seek for Settlements (for as the Surmise of their being forced or decoyed by Cressap, It is too weak to take up Our time). By the same strength of reasoning every Person who first came into your Province to inhabit, and afterwards removed into any other of his Majesty's Dominions in America, must be considered as Inhabitants of Pennsilvania. Tho' perhaps you would not admit the Goodness of such a Conclusion drawn from the like premises, if the Inhabitancy of any Person in your Town of Bristol was to be disputed, who had at first come into any of the neighbouring Governments, I am persuaded You did not intend to include within that Exception The Germans who settled under this Government on Sasquehannah, and who by a most extraordinary Method pretended to become Pensilvanians, And therefore I shall receive any thing further on so plain a Point.

"I am too truly made sensible by Our former frequent Meetings that little real success can be expected that Way, nor can I think but that Every thing necessary for Our mutual desired Peace on those proposals may now be effectually put in Execution without personal Conferences, which I fear may rather retard than hasten the good Effect of Our amicable Dispositions; but if any Difficulties should arise, which can only be removed by a Conference, I shall be willing to meet Mr. President for that Purpose at any Place about half way between this City and the City of Philadelphia.

"I shall not object to the Preliminary You are pleased to make when I shall have received your declared Intention not to screen by any Terms the Disavowers of this Government, under which They first seated themselves, from complying with the Dues and

axes thereof, And that our Settlers on the Borders shall not be isturbed or molested by any under your Government.

"I beg Leave to join with you in that Declaration, That neither he whole or any part of those Proposals shall, by any Construction, mplication, or Inference whatsoever, be interpreted to make any oncession, or to give the least Advantage, directly or indirectly, to ither Your or Our Proprietaries or Governments on Either side, in heir respective Rights or Claims over the Other. I should have oined with you further Could I have been assured of what was meant by that Exception of the purposes they are now intended for.

"To convince you of my hearty Wish not to lose one Moment for improving this Appearance of a neighbourly and peaceable Temper, and not to let this social Warmth cool, I have endeavoured to give the best Dispatch I could to your Express. I am,

"Sir,

"Your most humble and Obedient servant,

"SAM. OGLE.

"Anapolis, 11th March, 1736.

"To The Honourable the President and the Council of the Province of Pensilvania."

Which is referred for further Consideration.

Upon the Motion of Mr. Preston, Provincial Treasurer, that a Committee of this Board be appointed, as usual, for examining the Accounts of sundry Disbursements on Indian Treaties, and reporting thereon to the Board, Mr. Laurence and Mr. Hasell are named for that Purpose.

A Petition of Durst Thome, of Philadelphia, in behalf of himself and others, was presented to the Board, and read in these Words:

"To the Honourable the President and Council of the Province of Pennsylvania:

"The humble Petition of Durst Thome, of Philad[a], in behalf of himself and others, whose Names are mentioned in a Schedule hereunto annexed, being Owners of the Household Goods and Utensils in an Inventory likewise hereunto annext,

"Humbly sheweth:

"That being Protestants, and Subjects to the Emperor of Germany, and encouraged by the Accounts they had received from Others of their Countrymen in the Province of Pennsylvania, of the great Blessings of Peace & Liberty of Conscience enjoy'd in the said Province, under the protection of that gracious and mighty Prince, King George the Second, King of Great Britain & Elector of Hannover, they thereupon, in the year of our Lord, One thousand seven hundred and thirty-six, did transport themselves, with their

Families, into this Province; and having disposed of their old Household Goods and Utensils, which were very bulky, at their coming down the Rhine, for a very small Quantity of new ones of the same kind, they were laden on board the Ship Princess Augusta, at Rotterdam. And when the said Ship made Report of her Lading at the Port of Cowes, in Great Britain, the said Household Goods, Utensils, and other Things belonging to your Petitioners, were freely exposed to the View of the Officers of that Port, who suffered them to pass without Molestation, or requiring any Rates, Duty, or Customs for the same, they being for the proper use of your Petitioners, and not for Sale. But so it is, may it please your Honours, that upon the Arrival of your Petitioners in the said Ship at Philadelphia, She, together with the Goods and Utensils aforesaid, was seized by the Collector and Naval Officer of this Port, or one of them, By which, and the Severity of the said Officers, Your Petitioners were reduced to very great Straits. And notwithstanding the said Ship, upon a full Hearing in the Court of Admiralty of this Province, before Charles Read, Esq^r^ then Judge of the said Court, but since deceased, was legally acquitted, Yet the said Goods were condemned as forfeited; Which Sentence, as to the Condemnation of the said Goods & Utensils, Your Petitioners being advised could not be warranted by Law, They thereupon petitioned the said Court of Admiralty for a Rehearing of the said Sentence as to the Household Goods & Utensils, in which Petition they humbly conceive they have sufficiently shewn that the said Sentence was altogether null and void; And that the same (were the Judge of the said Court still living) could not be put in Execution, As by a true Copy of the said Petition, herewith exhibited, and to which your Petitioners, for greater certainty, beg Leave to refer themselves, Your Petitioners humbly conceive will manifestly appear; And as they are so unfortunate as to be deprived of having the Sentence re-heard in that Court, by Reason of the Death of the Judge, they do most humbly pray, As your Honours are interested in the Forfeiture of the said Goods & Utensils, if they had been legally Condemned, That you will, in Compassion to the unhappy Circumstances of your poor Petitioners, be pleased to grant them such Relief as you, in your Wisdom, shall think fitt.

"And your Petitioners, as in Duty bound, shall ever pray.

"DURST THOME."

One of the Papers annexed to the foregoing Petition is as follows:

"Peter Evans, Esq^r^ Quitam, &^ca^ plaintiff, . . .
v.
"The Ship Princess Augusta, and certain Goods, Wares, and Merchandizes, part claimed by Samuel Merchant, Defend^t^ } Sur Informacon.

the Honble Charles Read, Esqr., Judge of the Court of Vice Admiralty of the Province of Pensilvania.

› Humble petition of Nicholas Tainy, Benedict Youghly, Bas- n Graffts, and George Graffts, passengers, in the Plea of the resaid Samuel Merchant, mentioned on behalf of themselves l others, the passengers aforesaid,

mbly Sheweth:

That the said Petitioners & others, the Passengers aforesaid, ; names are contained in a Schedule hereunto annexed, were rs and now claim property in Thirty Stoves, in the Informa- exhibited, called Chimney Backs, Five hundred ninety-six , One hundred and three large Iron Instruments called Straw- s, Fourteen Iron Instruments called drawing knives, Twenty- Iron Stewpans, Eighty-one Iron Ladles, Five Dozen and Iron Shovells, Twenty-seven Iron potlids, Twelve Iron drip- pans and frying pans, Thirteen Axes & one Hatchet, Three & one large crosscutt Saws, One Gross of Shoemakers' & f Sadlers' awls, Six box Irons & six Chissels, Six Iron baking pans, Twenty-three Dozen of Claspknives, One Dozen of Steels, Dozen of Plyers & Hammers, Six Iron Lamps, Six Trowells e Spade, One Cask of Nails & a smiths' Vice, Fourteen Cop- Kettles, Five Copper Stills, Two dozen Scissars, One packet of e Buttons & Studs, Four Umbrells, Four Doz. & a half of ted Caps, Two dozen of printed Linen Caps, Six pair of ed Stockings, Four peices of striped Cotton Handkerchiefs, ty-five pieces of Tape, Two dozen black Girdles, One peice of Crape, One peice striped Cotton, Nineteen peices of Bedtick, peices of brown Linen, One peice of blue & white Linen, Two of Ivory Combs, Two Dozen & a half of Tobacco pipes with Covers and a brass Box, Two Dozen of Ivory needle Cases, handbrushes, Three Dozen of Pewter Spoons, Three dozen of acles, Eight looking Glasses, Eight Flutes, Six wooden Cocks, One dozen of Reaphooks, in the Information aforesaid men- l; that to them they belong and were imported for their own te use, and not for sale; And say they are advised and to prove that the Sentence against the Goods, Wares, and handizes aforesaid ought not to be put in Execution, for that roceedings in the Cause aforesaid against the said Goods are void, invalid, and of no Force & Effect in the Law, for the veral causes following, viz.: For that it appears by the Plea said Samuel Merchant the Goods aforesaid were the Goods se Claimants, and therefore ought not to have been condemned ut a Hearing first given them, And also an Opportunity of ining Witnesses, by which it might have appeared to the t here that the said Goods were not liable to be condemned as ted; also, for that by the practice of this Court and Law in cases, at least a third Proclamation ought to have been made

before the Goods aforesaid could legally be condemned; also, for that the Information aforesaid is altogether uncertain & illegal, which has rendred the Sentence Grounded thereupon altogether null & void; The said Information being exhibited on behalf of the Governor or President, whereas, at the time of the Exhibiting that Information, the Government, by the death of the late Lieu^{t} Governor, and the Laws of this Province, devolves upon & still continues in the President & Council, and not in the President only; and therefore the Information aforesaid ought to have been in the name of the President & Council of the Province of Pennsylvania, (in whom the Power and Authority of a Governor of this Province, by the death of the said late Lieu^{t} Governor, Patrick Gordon, Esq^{r} deceased, is vested), And the Sentence ought to have been pronounced accordingly. And even had this been done, as your Honour is a Member of that very Council, and consequently intrested in the event of the forfeiture, if any be, They submitt it to your Honour whether it be consistent with the Rules of Justice and Equity that any sentence should be given in the premisses at this time & in this Court.

"For which reasons they humbly pray that the said Sentence may be reviewed, reheard, and not put in execution; but that the proceedings for the causes aforesaid may be declared Invalid, Null & void, And that the Goods, Wares, and Merchandizes aforesaid be restored to their Owners. And they as in duty bound shall pray.

"NICHOLAS TAINY,
"BENEDICT YOUGHLY,
"BASTIAN GRAFFTS,
"GEORGE GRAFFTS."

A Schedule or List was likewise annexed to the foregoing Petition cont^{g} the Names of One hundred & sixteen Foreigners.

Which Petition & Papers annexed are continued under Consideration.

At a Council held at Philadia., March 21st, 1736–7.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Clement Plumsted, Samuel Hasell, Thomas Laurence, Thomas Griffitts. } Esqrs.

The Consideration of Governor Ogle's Letter being resumed, the President laid before the Board a Draught of an Answer, which being read and debated, is referred for further Consideration.

At a Council held at Philadia., March 22d, 1736–7.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.
Samuel Preston, Samuel Hasell, } Esqrs.
Thomas Laurence, Thomas Griffitts, }

The Board resuming the Consideration of the President's Draught an Answer to Governor Ogle's Letter, & the same being this en mature Deliberation approved and fully concluded on, It is dered, that a fair Copy thereof be transcribed, which being ed by the President in behalf of this Board, he is desired to ward it without Loss of time. Which answer is in these Words: ir—

"We have received yours of the 11th instant, in the first Paraph of which, after your Excuse for the Oldness of the Date of ur former, you are pleased to declare 'your sole view is to bring to some reasonable measures, if possible, to put a stop to such olences & Disorders as must at present no doubt occasion great flections on both Governments; tho' when the Affair comes to be ly considered before impartial Judges, you make no doubt (you r) of a proper Distinction being made between the Aggressors & se who have done nothing but what Self-Defence absolutely liged them to;' and here we heartily agree with you, there being thing we more earnestly desire than such an impartial Hearing d Consideration. But you should not speak of bringing us, if ssible, to reasonable Measures to put a stop to the Violencies & isorders you mention, for, as from the first, they arose wholly on ur part, it lay always in your own Breast when you pleased to putt Stop to them, & it is the Point we ever pressed you to.

"Your extraordinary manner of stating the Case would indeed t everything in a different Light; but while you can call your ading up about three hundred armed Men with Drum and Trumt to terrify our Inhabitants by the name of levying of Taxes by e proper Officers, which is the first time we ever heard that alged for their Business, and call our Proclamation issued on that casion, requiring our Officers to be vigilent and active for mainning Peace & good Order, a proclaiming open War against your ovince, nothing of what you are farther pleased to advance on Subject can appear strange in a Representation so entirely of a ce in all its parts. We must observe, also, on your taxing us h Repetitions, that they are no more than what yourself, by your eated Charges, have rendred necessary; for if you have the arity to believe we think ourselves in the Right, you will unbtedly be so good as to pardon us for saying so & giving our sons in Proof of it. But if such Repetitions, which we wished ur last might be avoided, are a Crime in us, we shall only crave would be pleased to review your own Letters, and there you

will abundently Discover the Occasion with the Necessity we have mentioned.

"Some other parts of your Letter we are content to pass over, our sole view, if you will allow us to use your own Words, being to bring you to some reasonable measures to putt a Stop to the Violences & disorders you have mentioned, & shall now proceed to consider the Parts that more immediately relate to the Grand & momentuous Point before us.

"You are pleased on this Head first to load us with Blame for not accepting & then express your great Satisfaction on our now acceeding to your former Proposals, which you have thought fitt to cause to be copied at length into your Letter; and on viewing the use you make of them we cannot forbear expressing our Admiration. It might be thought impertinent in us to transcribe them here again were it not that on your laying so very great a Stress on them it may be proper, by inserting them, to give you a readier Opportunity of reading them again. As they stand in your Letter they are thus: 'That both Governments should immediately joyn in an Application to His most Gracious Majesty, with our humble and dutiful Request that he would be pleased to take into his just and wise Consideration the Mischiefs arising from the Uncertainty of the Boundaries of our respective Governments, and determine and fix the same as in his Wisdom & Justice he should be graciously pleased to order & direct. And further, that both Governments should by their joint Endeavors not only remove and discourage any new Settlements on the Borders which had been made since your Adminstration of the Government, but also by Proclamation in each Government forbid and deter any Person within our respective Governmennts from making any other new Settlements on the Borders till His Majesty's Pleasure should be known.'

"Now we beseech you on this Review to make an impartial Use of your own clear Understanding to find out how any thing there proposed can contribnte to the present Peace of His Majesty's harass'd Subjects in or near those Borders. Surely an Application to His Majesty 'to take the Uncertainty of our Boundaries into his just & wise Consideration' can give no immediate stop to the Violences that were then on all Occasions committed by Cressap, and are now daily committing by those Banditti (for we can find no Term more proper for them) who profess they act by your Authority. Or again, how the removing of great Numbers from their Settlements 'who had made them since your Administration' could give them Peace, for 'tis those very People who make up the Bulk of the Inhabitants now under Consideration, & the Thing they want is the peaceable Possession of their Labours, while what you proposed is to turn them out of House & Home, the greatest Calamity their Families in general could be subjected to, tho' 'tis too true many of the Persons themselves have otherwise grevously suffered. That those

Proposals of yours are conceived in very clear terms (were but the word Borders duly explained) is readily owned; but while you are pleased to say you must acknowledge your own Incapacity to explain by clearer & more significant words that Practicableness which is contained so exceedingly plain in the proposed Terms, we shall as freely own that the meaning of that Expression no less surpasses our Understanding. The Unreasonableness of the first part of those Proposals, as it directly infers a Voidance of the Agreement between the Proprietors in 1732, now in Chancery, and the Impracticableness of the latter, we find have been so fully spoke to, and so clearly demonstrated in our late Governor's Letters, that since those may so easily be referred to it would truly be a Repetition to bring the same in again here. We must, therefore, crave your Leave to express our Wonder at the Use you would endeavor to make of those Proposals, when at the same time you neither now advance, nor that we can find have ever advanced any thing to shew either the Reasonableness of the one or the Practicableness of the other, tho' so often objected to, save what you are now pleased to say of the Clearness of their Expression, in which we hope you will excuse us if we say we can scarce believe it possible for a Gentlemen of your very good Sense to be serious, since it plainly implies no less than that a Thing unreasonable or impracticable in its own Nature becomes reasonable or practicable by being expressed in clear, intelligible Terms, as if the Reality and Nature of Facts depended on words or Expression.

"But what most sensibly affects us, & appears to us, as we conceive it must to all others, astonishing, is that while in yours of the 24th of December you expressed, & still continue to express, so ardent a Desire of giving Peace to the People, yet you should from that time, now near three months since, support & countenance by your authority those horrid Barbarities by a sett of Fellows who having no Character nor certain Habitation, are for meer Want gathered together to insult, abuse, and plunder Numbers of His Majesty's peaceable Subjects, on which we cannot but again observe that it is not in the Power of Words to alter Facts or to change their intrinsic Nature.

"It will ever be true and can be incontestably proved, for you oblige us to repeat it, that T. Cressap, whom, tho' a Person well known to have been of an infamous Character, you are pleased to dignify with the Title of Captain, was supported by you in committing many horrid Outrages on His Majesty's peaceable Subjects, in violently seizing and tying them as the most criminal Malefactors, & sending them into cruel Confinement into your loathsome Goals, tho' chargeable with no other Offence than their disowning the Lord Baltimore's Right to the Possessions they had peaceably entred into under this Government; in killing one Man, who with-

some others told him they were come with a Warrant to apprehend him for those facts; and lastly, in being appointed the Chief Commander in a projected Scheme to oust a great Number of most peaceable People from their Plantations, only for declaring their Conviction in themselves that they neither were, in their Situation, nor could be Inhabitants of Maryland. These repeated Violences, & unsufferable Abuses, laying the Inhabitants of those parts under a Necessity of putting a Stop to them, by apprehending so egregious a Malefactor, the Sherif proceeded to execute a Warrant that had for a considerable time been issued against Cressap, & nothing but absolute Necessity, after a whole day spent in the deliberate Use of other Measures, put the Sherif and his Assistants on those they found themselves at last obliged to, which the Law, as the skilfull in it positively assert, will justify in all such Cases, and after his Apprehension no other Person was molested; Yet on the part of your Government, Higginbotham & his Associates were furnished from your Magazines with large Quantities of Arms & Amunition, not as you are pleased to alledge for Self-Defence, but as their Actions evidently shew, in order to ruin other People, and of some of their late Outrages we took particular Notice in our last of which you have not thought fitt to take even the least in yours.

"But what is yet more astonishing is, that even after our Receipt of your last, proposing an Accommodation, we had immediately a further Account of their continuing the same cruel Practices in seizing the Men, abusing their Families, & robbing them of, or destroying their Provisions laid up for the Support of themselves and their Creatures. This Rage and those Cruelties obliged us to direct the Sherif of that County, with a proper Assistance, to protect Our People from such Villanies; but as we are very sensible it is inconsistent with the Duty we owe to Our Gracious Sovereign to make War on any of His Subjects, who act even under the Colour of an Authority derived under the same Crown, we laid our Sherif, and all others acting by his Authority, under an absolute Restraint from offering any Act of Violence that might endanger Life or occasion Bloodshed—a Caution vastly different from that of those Ruffians who have not only made no Scruple, as we have shewen before, violently to break open the Houses of People perfectly innocent, and firing at divers others to the manifest Danger of their Lives, & even upon Women flying from their Rage.

"These particulars of your inlisted People's Conduct we should even here have omitted to mention, were it not absolutely necessary once more to represent to your view the Miseries, the Calamities, & Desolation of His Majesty's distress'd Subjects, brought on them solely by those new unjustifiable extended Claims made by your Authority since the last Agreement, while both Governments lie under the highest Obligations to preserve His Majesty's Peace, &

ect His Subjects in their Lives, Liberties, and Pos-

herefore, here assure you that it is not from an Opinion
nableness of any of these Proposals you have hitherto
Government, but from the Consideration of that Duty
ably owe to Our Sovereign, which most certainly is
e the same on your part, and of the Distress of those
le, that we made our last Concession, in which we had
to the Subject's Peace, exclusive of all Considerations
y Rights or Claims, till such time as these shall by a
be adjusted.

to speak more fully to the Point before us, you could
ve we ushered in that Concession with a Proviso 'that
pose any rational Measures to render the Thing prac-
ve clearly saw it attended with Difficulties that we
be no ways so speedily & effectually remedied as by
nference; & therefore well knowing the matter would
more to be said on it, we proposed a meeting, but
ct to this unless there appears a Necessity for it, that
be lost, we will here shew you what we have thought
ie safest & best expedient for reducing what is pro-
tice; After we had spoke to the Limits of Civil Ju-
proceeded to say that so ardent was our Desire to pro-
His Majesty's Subjects, that on the Condition above
your proposing rational Measures, &ca. we should not
at all those who first took up Lands under Maryland
d to acknowledge that Government, only those, &ca.
Exception of only those, &ca. you are not satisfied;
the whole more clear, & particularly to mention those
e shall here in full Terms express our Meaning, which
Inhabitants who at first entred on their Possessions
vernment of Maryland, should till such time as the
all be settled, or till we shall receive Orders & Direc-
Superior Authority for establishing Peace, be allowed
e that Government, and all such others as entred on
ons under this Government should in the same man-
l to acknowledge it; but the more effectually to give
t the People's Minds, as well as to prevent future
lings, we take it to be necessary & accordingly propose
Inhabitants who with their Possessions have been
the late Contentions or disputes, should in the mean
pted from the Payment of all Taxes & other Duties;
h Government may, if they think fitt, assess their
& keep an Account of them, to be discharged to that
nder which they shall be found to fall, or till the Re-
er Orders from a proper Authority; but that in the
further Settlements shall be made in those Parts,

otherwise than according to the Exception in our last Proposal, that is by the same Families on the same Tracts they were possessed of before the Commencement of these Differences, viz., August last; and further, that all force shall be immediately removed, & no Person whatever be put to any Trouble, or molested on any Cause or Pretence arising from the past Disputes, or any Proprietary Claims, as in the Preliminary in our last, with the further Proviso following it, by these Words in which (for the Purposes they are now intended) we neither meant, nor as we conceived could be supposed to mean any thing further than the Agreement now in Treaty between us.

"Our Reason for making the Exception of 'Those who coming into this Province to inhabit & going over Susquehannah,' &c. was that because the Germans you mention may have rendred themselves obnoxious to your Censure by making a Step they conceived to be their incumbent Duty, Such Provision ought to be made for them as that all the Inhabitants in those parts may, without Distinction, equally enjoy that Tranquility His Majesty has ever been desirous all His Subjects should be blest with, and accordingly we expect they shall all be treated equally with others.

"Thus we have in the plainest Terms we can conceive proposed the most effectual means we can possibly think of for accommodating these Differences, which however occasioned, are undoubtedly a Dishonour to both Governments, & to which it is equally our Duty, without Delay, to put an End. 'Tis for this solely that we make these Concessions, however unreasonable to be expected of us; & on your agreeing to them we hope we may without much Difficulty find, as there shall be Occasion, Means for preserving Peace amongst the People themselves; for as the Term for which this Agreement is proposed cannot probably be long, we may hope, from the Injunctions to be laid on them respectively by both Governments, they may live in such amicable Neighbourhood & preserve so good an Understanding as to give us very little Trouble.

"We shall add, that if there should yet appear a Necessity for a Conference, which we with good Reason thought might prove the most expeditious Method for effectually compassing what was mutually proposed by us, yet as we have now been so full and clear in giving you our Sentiments, we shall hope that with the same hearty Disposition for Peace on your Part, that we again assure you we have ever most sincerely had on ours, the whole may without Loss of Time be accommodated, if otherwise, tho' our President by his great bodily Infirmities is rendred very unfit for the Fatigue of a Journey, yet we doubt not but his Zeal for the publick Good will give him both Inclinations & Resolution to submit to it.

"This by some unavoidable Circumstances has been delayed two or three days, but for the greater Dispatch we again, as before, sent

it by Express, & request you would give your Answer by him all you can on your part. It may not be unnecessary, for preventing all Objections, further to add, that as we have endeavoured to explain ourselves with the utmost Clearness, & to avoid all Ambiguity of Expression, we desire our words in these Proposals may be construed according to their plainest & most explicite Sense, for so we truly intend them, & are

"Sir,

"Your Friends and humble Servants,

"In behalf of the Council,

"JAMES LOGAN, Presidt.

"Philadelphia, March 22d 1736–7.

"P. S.—Since the foregoing, we have received Advice of the 18th instant, that your People at their Garrison or Camp, as we hear they call it, went the preceeding day to the House of one Martin Schultz & stole or took out of it by force a Cask of eighty Gallons of Rum & two of his Horses to convey it to their place.

"J. L.

"For His Majesty's Service.

"To the Honble. Samuel Ogle, Esqr. Governor of Maryland."

At a Council held at Philadia., March 24th, 1736–7.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell, } Esqrs.
Thomas Laurence, Thomas Griffitts, }

Upon reading this day at the Board a Return of the Road laid out by Order of Council of the twenty-third of January, 1735–6, from John Harris' ferry, on Sasquehannah, to Edward Kennison's Plantation, in the County of Chester, in these words:

"To his Excellency Patrick Gordon, Esqr. Lieutenant Governor of the Province of Pensilvania, Newcastle, Kent, and Sussex, and to his Honourable Council, &c.

"Pursuant to an Order from a Council holden at Philadelphia, January the twenty-third, 1735–6, to us directed, We have laid out a Road from the River of Sasquehannah, near the House of John Harris', in in the Township of Pextan, in the County of Lancaster, and from thence through the said County and part of the County of Chester, falling into the High Road leading from the Town of Lancaster, at (or on) the Plantation of Edward Kennison, in Whiteland, in the County of Chester, according to the several Courses and Dis-

tances specified in the Draught hereunto annexed, In Witness, t
hands this seventeenth day of June, Anno Dom^ 1736.

"Hans Graff,
"Jo^n Davies,
"John Foster,
"Samuel Osborne,
"John Fredrick,
"John Mendenhall,
"Edward Nicholas,
"James Eldridge,
"Rice Price,
"James Armstrong,
"Richard Buffington.

"A Draught of a Road from the Township of Pextan, in t
County of Lancaster, and from thence through some part of Ches
County, and falling into the great Road leading from Lancas
Town to the City of Philadelphia, at the Plantation of Edwa
Kennison, in the Township of Whiteland, in the County of Ches
whose several Courses and Distances are as followeth (vi^z): B
ginning in the River of Sasquehannah, near a Locust tree standi
on the Shore of the said River, nigh the Ferry of John Harris,
Pextan aforesaid, thence north eighty-five Degrees Easterly o
hundred & twenty-six Pches, to Pextan Creek, then South eight
seven Degrees Easterly fifty-six pches, South eighty-two Degre
Easterly eighteen pches, South sixty-nine Degrees Easterly eigh
pches, North eighty-eight Degrees Easterly three hundred & thir
seven, East one thousand four hundred & thirty-one pches, Sou
seventy Degrees Easterly one hundred & seventy-four pches, Ea
twenty-eight pches, South sixty-three Degrees Easterly forty pche
South fifty three Degrees Easterly eighty-eight pches, North eight
Degrees Easterly two hundred & thirty pches, near Sweet arro
Creek, then North sixty-three Degrees Easterly thirty-four pche
North eighty-six Degrees Easterly forty-nine pches, East four hu
dred & twenty pches, North seventy-three Degrees Easterly twenty
four pches, East one thousand one hundred & five pches, Nort
seventy-four Degrees Easterly seventy pches, East two hundred
fifty pches, South eighty-three Degrees Easterly one hundred
seventy-eight pches, East two hundred & sixty pches, to a smal
run, North fifty-five Degrees Easterly twenty-four pches, East
hundred & eighty-six pches, North Eighty-one Degrees Easterl
twenty-four pches, to a small run, East one thousand & fifty-
pches, South sixty-five Degrees Easterly seven hundred & sixt
pches, South eighty Degrees Easterly one hundred & twenty pche
to Frederick's run, North eighty-three Degrees Easterly eighty-
pches, South fifty-seven Degrees Easterly fifty-two pches, Sout
twenty-two Degrees Easterly fourteen pches, South five Degree
Westerly fifty-four pches, South four Degrees Easterly fifty pche
to a pine Tree on the side of Charity Hill, South nineteen Degre
Easterly ten pches, South thirty-five Degrees Easterly thirty-
pches, South seventy-two Degrees Easterly thirty-four pches, Nort
eighty-eight Degrees Easterly seventy pches, South sixty-two D
grees Easterly sixteen pches, South fifty-five Degrees Easter

› pches, South fifty Degrees Easterly fifty-two pches, Degrees Easterly fifty-two pches, to a small run, South rees Easterly ten pches, South fifty-four Degrees Easterly ches, South eighty-one Degrees Easterly twenty pches, hty-three Degrees Easterly twenty-two pches; South Degrees Easterly thirty-six pches, South forty-eight Deerly one hundred pches, South seventy Degrees Easterly ches, South sixty-seven Degrees Easterly sixteen pches, r-eight Degrees Easterly one hundred pches, South sixty sterly forty pches, South nine Degress Easterly ninty th fifty-four Degrees Easterly thirty-six pches, South Degrees Easterly thirty-four pches, South seventy-two sterly twenty-four pches, South eighty-two Degrees irty-eight pches, North sixty-six Degrees Easterly ninty-North sixty-nine Degrees Easterly sixty pches, South Degrees Easterly fifty-two pches, South sixty Degrees orty-eight pches, South forty-eight Degrees Easterly r pches, South twenty-nine Degrees Easterly thirty-six h thirty-nine Degrees Easterly fifty pches, South thirty-South twenty Degrees Easterly eight pches, South one sterly forty pches, South twenty Degrees Easterly fifty th East thirteen pches, South sixty Degrees Easterly ches, South fifty-four Degrees Easterly one hundred & r pches, South eighty Degrees Easterly one hundred & pches, East sixteen pches, South forty Degrees Easterly , South forty-eight Degrees one hundred & forty-six h sixty-three Degrees Easterly thirty-four pches, South › Degrees Easterly two hundred & six pches, South Degrees Easterly seventy-nine pches, North eighty-two sterly eighty pches, South eighty Degrees Easterly it pches, South seventy-seven Degress ninety-four pches, -five Degrees Easterly forty pches, South thirty-seven sterly thirty-four pches, South seventy-seven Degrees ighteen pches, South seventy Degrees Easterly sixty idle Creek, South sixty-one Degrees Easterly one thounty pches, South East three hundred & forty pches, to k, South fifty-four Degrees Easterly forty pches, South s Easterly eighty-two pches, South forty-eight Degrees e hundred & thirty-two pches, South nineteen Degrees xty pches, South forty-eight Degrees Easterly one hunit pches, South fifty Degrees Easterly fifty pches, South Degrees Easterly one hundred pches, South sixty-eight Derly seventy-two pches, South forty-nine Degrees Easterly s, South fifty-eight Degrees Easterly ninety-two pches, ity-five Degrees Easterly one hundred & forty pches, South egrees Easterly eighty pches to Conestogo Creek, South es Easterly one hundred & sixty-eight pches, South forty-es Easterly eighty-four pches, South East by East nine

hundred & eighty p., South sixty-five Degrees Easterly seven hundred and twenty pches, South eighty-four Degrees Easterly eighty-two pches to Cedar run, North eighty-nine Degrees Easterly one hundred and twenty pches, North eighty Degrees Easterly two hundred & nineteen pches to Evans's run, South eighty Degrees Easterly eighty-nine pches, South seventy-four Degrees Easterly seventy pches, South sixty-three Degrees Easterly seventy-eight pches, East forty pches, South seventy-seven Degrees Easterly twenty pches, South eighty Degrees Easterly one hundrod pches, South sixty-seven Degrees Easterly eighty-six pches, South eighty-eight Degrees Easterly twenty-four pches, South sixty Degrees Easterly one hundred & thirty-six pches, South seventy-one Degrees Easterly twenty-six pches, North eighty-two Degrees Easterly ninety pches, are the County Line, South seventy-seven Degrees Easterly sixty-eight pches, South sixty Degrees Easterly one hundred & forty pches, South sixty-five Degrees Easterly two hundred & forty pches, South East thirty-two pches, South eighty-eight Degrees Easterly one hundred & thirty-eight pches, South twenty-three Degrees Easterly one hundred & seventy-two pches, South sixty Degrees Easterly one hundred & ninety-six pches, South forty-nine Degrees Easterly ninety-four pches, South seventy-four Degrees Easterly eighty-six pches, South eighty-five Degrees Easterly ninety-four pches, East eighty pches, South eighty-seven Degrees Easterly thirty-two pches, South seventy-seven Degrees Easterly eighty-four pches, South East by East twenty-eight pches, South sixty Degrees Easterly fifty pches, South seventy-nine Degrees & an half Easterly one hundred & ninety two pches, South seventy-one Degrees Easterly one hundred & seventy-six pches, South sixty Degrees Easterly one hundred pches, South fifty-three Degrees Easterly three hundred & ninety-six p., near the presbyterian meeting House, North eighty-six Degrees Easterly two hundred & twelve Pches to a Spring, South eighty-eight Degrees Easterly one hundred & fourteen pches, South sixty-seven Degrees Easterly forty-six pches, South seventy-one Degrees Easterly fifty pches, North seventy-seven Degrees Easterly ninety-eight pches, South eighty-eight Degrees Easterly two hundred & twenty pches, South seventy-five Degrees Easterly one hundred & fourteen pches, South seventy-one Degrees Easterly one hundred & fourteen pches, South forty-four Degrees Easterly twenty-six pches, South two Degrees Easterly forty-two pches, South fifty-three Degrees Easterly thirty pches, North sixty-five Degrees Easterly twenty-two pches to Brandywine Creek, North sixty-six Degrees Easterly thirty-eight pches, South eighty-eight Degrees Easterly eighty pches, South Eighty-five Degrees Easterly thirty-eight pches, South eighty-one Degrees Easterly forty pches, North eighty-one Degrees Easterly sixty pches, South sixty-five Degrees Easterly seventy-two pches to another Branch of Brandywine-Creek, South thirty-two Degrees Easterly twenty-six pches, South fifty Degrees Easterly twenty pches, South

seventy-five degrees twenty-two pches, North eighty-five Degrees Easterly twenty-four pches, East by North forty pches, North seventy Degrees Easterly forty pches, East by North twenty-four pches, South eighty Degrees Easterly one hundred and thirty pches, South seventy-seven Degrees Easterly twenty-two pches, South seventy-three Degrees Easterly eighty pches, South fifty-five Degrees Easterly fifty-three pches, South eighty-two Degrees Easterly thirty pches, South forty-eight Degrees Easterly thirty pchs to a small run, South seventy-seven Degrees Easterly twelve pches, South sixty Degrees Easterly one hundred & fifty-four pches, South eighty-four Degrees Easterly thirty pches, South eighty-nine Degrees Easterly eighteen pches, South eighty-seven Degrees Easterly one hundred & forty-six pches, North eighty-six Degrees Easterly twenty-eight pches, South eighty-three Degrees Easterly eighty-eight pches into a road near Uchland meeting House, East one hundred & sixty pches, South eighty Degrees Easterly one hundred & thirty-eight pches, South fifty-two Degrees Easterly thirty-six pches, South thirty-seven Degrees Easterly ninety-four pches, South sixty-three Degrees Easterly one hundred & two pches, South twenty-six Degrees Easterly sixty pches, South thirty-seven Degrees Easterly twenty-six pches, South seventy-seven Degrees four hundred & seventy-six pches to Conestogoe old Road, then down the same, North eighty-seven Degrees Easterly one hundred & fifty-two pches, South eighty-eight Degrees Easterly one hundred & fifteen pches, North eighty Degrees Easterly one hundred pches, South seventy-four Degrees Easterly one hundred & twenty-six pches, North eighty-three Degrees Easterly thirty-two pches, to Kennison's run, and contains about sixty-eight Miles and an half.

"Taken ℔ me, "ZACH BUTCHER.

"And a Petition of sundry Inhabitants of the Townships of Caln, Whiteland, & Uchland, in the county of Chester, setting forth that the said Road, for about twelve Miles through the said Townships, crosseth, on a Multitude of very different Courses, several Mountains scarcely passable for Carts & Carriages, & divers Swamps and low Grounds, thro' which to make and maintain a sufficient Way, will occasion an insupportable Charge to the said Townships; that sundry Farms are cutt into very incommodious, if not useless strips & Peices, and that several of the Persons who had signed the foregoing Return, had never so much as viewed many parts of the said Road, and therefore praying a Review thereof within the said Townships by proper Persons to be appointed by this Board.

"And a Representation of the Persons signing the Return aforesaid setting forth the great Care they had taken in laying out the said Road in general, and particularly in those Townships of Caln, Whiteland, & Uchland, where they had spent several days in reviewing the most commodious Places, & after consulting with some

Inhabitants of the said Townships who had mett on the Occasion, it was generally agreed to that the Road could no where be laid out more conveniently for the Publick, & therefore praying that they may be heard in Vindication of themselves from the Aspersion thrown upon them of having signed the said Return without viewing many parts of the Road, & being present at laying out the same, as their Duty required.

And a Petition of sundry Inhabitants of the Townships of Uchland & Nantmill setting forth the general Conveniency of the Road as now laid out, & the great Care that had been taken in choosing within the said Townships the most proper places for it, & therefore praying that the same may be confirmed.

And the Parties, pursuant to a fortnight's Notice given them, now attending and being fully heard, the Petitioners for a review pray'd Leave to withdraw their Petitions, which being granted,

The Board, on due Consideration had of the said Return, and of the Draught accompanying it, do approve and confirm the Road laid out as in the said Return mentioned, or which is hereby declared to be the King's Highway or Publick Road, and It is Ordered that the same be forthwith cleared and rendered commodious for the Publick Service.

At a Council held at Philadia., April 4th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esquire, President.
Samuel Preston, Samuel Hasell, } Esqrs.
Thomas Laurence, Thomas Griffitts, }

The Minutes of the four preceeding Councils being read and approved,

The President laid before the Board a Letter from Governor Ogle, brought late last Saturday night by Return of the Express, which was read in these Words:

"Sir—

"I have received your Letter of the 22d Instant, and as I am truly and sincerely disposed to agree to Every thing that can be thought reasonable, for promoting that Peace which has so long been wanted on our Borders, I shall avoid entering into unnecessary Disputes (tho' your Repetition of the same unjust Accusations so often made use of against this Government, might well excuse my returning a suitable answer to them), and come directly to the Proposal now offered in your Letter.

"You say you will now in full Terms express your meaning, which is, that those Inhabitants who at first entered on their Pos-

sessions under the Government of Maryland should, till such time as the Boundaries should be settled, or till We shall receive Orders & Directions from a Superior Authority for establishing Peace, be allowed to acknowledge this Government; and all such others as entered on their Possessions under your Government should in the same manner be allowed to acknowledge it.

"In Answer to which I can truly say, that I always thought this just & reasonable, that all my Endeavours and Proposals tended to nothing else but to get your Government to come into this very Agreement; which if you had done, I am convinced it would effectually have prevented all the Mischief that has happened since that ineffectual Conference we had with Messrs Hamilton and Georges; and I am confident you will find nothing in our Proposal to those Gentlemen but what is perfectly agreeable with this. How far their Answer is so I shall not pretend to determine my self, but shall leave it to the Consideration of Others who will be more proper judges in the Affair.

"But then, tho' I declare my Approbation of this Proposal, which I think would have sufficiently prevented our past Disturbances, and will effectually prevent Others for the time to come, I must add this one material thing, which is, that be a bona fide put in Execution, without any Encumbrance of such Provisoes and Conditions as can only serve for Evasions and the beginning of fresh Disturbances.

"Whatever Persons entered on their Possessions under your Government I shall very willingly leave to yourselves, to be taxed or otherwise dealt with according to the Laws of the Government they live under, without excepting even such as We judge will most certainly be found to be within this Province, upon the final Determination of our Disputes. If you will sincerely do the same with us, there will be at once an End of all Violences for the time to come, whoever may be found in the Wrong upon Account of those unhappy Ones already passed.

"But besides, that such an Agreement as this for the publick Good can never be too plainly and clearly expressed, or Disputes about it too carefully avoided, let us consider the Persons you propose to be excepted, and the Reasons for so doing.

"The Persons are those who have been the Subject of the late Contentions & Disputes begun some time in August last, and the only Reason that I can conceive for it must be that these same Persons, not liking our forty ℔ Poll and other Taxes, took it into their heads to renounce all Obedience to this Government in a formal Manner, by a Paper under their hands. If they had not made this revolt, as they themselves call it, I presume their being excepted more than others would not have been mentioned; so that this being the only Reason, the best way for you to judge of the

Goodness of it will be to turn the Tables and suppose the same Case should happen to yourselves.

"Suppose a Number of your Inhabitants, touched with a tender Regard for the Church of England and the support of its Ministers (and such a Case certainly is not impossible, however improbable it may be judged to be), should all of a sudden renounce your Government in the same formal manner that these People did ours for contrary Reasons, pray what would your Government do in such a Case? Would you think such a Renunciation of any Validity, or would you proceed against them according to the Laws of your Province? Whatever you would think reasonable for yourselves to do in that Case, We only desire you to grant us the same Indulgence. To do as One would be done by, is a Maxim so very just and reasonable, that it is to be presumed that No body can dispute it; And this is all we desire of you in the Case before us.

In short, it was always my Opinion that Peace might have been preserved upon our Borders without any Prejudice to the Rights of either of our Proprietaries, though I cannot agree with you in what you say in your Letter now before me, relating to such Violences as have been committed (viz^{t}), that it always lay in my Breast to put a Stop to them when I pleased, unless you mean it in this Sense, that I always had it in my power to give up every Point in Dispute, and to put in Execution every thing that you yourselves contend for, without waiting for the Decision of our Superiors at home. This way you always proposed to me, and after this manner indeed I believe it did lie in my Breast to put an End to all our Differences; but as for any reasonable Proposal to keep Peace till such time as they should be decided in England, I must confess I cannot remember it. I must own you have now offered something which I hope will do, if you do not spoil it by insisting upon such Provisoes and Exceptions as must leave Room, as I said before, for fresh Wrangles & Disputes, which I assure you I shall sincerely avoid on my Part, and hope you will do the same. I shall long much for your Answer to this. In mean time I beg Leave to remain,

"Sir,

"Your most Obedient and most humble Servant,

"SAM. OGLE.

"Annapolis, 29th March, 1737.

"To the Honourable the President and the Council of the Province of Pensilvania."

The President likewise acquainted the Board that several of those Germans from the west of Sasquehannah who had of late suffered so deeply by the Outrages of the Maryland Gang in those parts, were come hither to represent their great Distress, and had brought with them a Letter from Mr. Blunston, which being read, gives an Account that Higginbotham and those under his Command continue

to carry on their Violences to such a Degree that they will neither suffer the People themselves, their Children, or those whom they can find means to hire, to plow their Grounds to raise Corn for the Sustenance of their Families; that they take away the Horses employed in this necessary work, & say the Governor of Maryland ordered it; that they have carried off several young Lads from plowing, & detain them in their Garrison till they shall give Security to work no more in those places, or otherwise threaten to send them to Goal; that they have told some of the poor People who were carried to Annapolis, & being since let out on high Bail are returned home, that if they work for the others it is a Forfeiture of their Recognizances; and have given Notice to the Women that three days will be allowed them to carry their Goods out of their Houses & depart, or otherwise they will be turned out; That the Number of these Rioters are encreased, & infesting the Neighbourhood in small Detachments, their Insolence & Cruelties are so great that the Inhabitants are reduced to deplorable Circumstances, it being evident that notwithstanding the Negociation of Peace now on foot between the two Provinces, Higginbotham & those with him are resolved to distress the poor People to such a Degree as to oblige them to quitt their Places that the Others may enter upon them, according to the Promise & Expectations given them by the Governor of Maryland; That the Number of those whom the Sherif of Lancaster had kept on the west side of Sasquehannah for a Restraint on Higginbotham's Gang were lessened, & had not been of the Service that was expected. Upon all which the further Advice of the Board is requested; & that the Germans who are come hither may themselves receive such Directions for their Guidance as the Board shall think proper in the present Circumstances.

The Board observed that as both Governments are now treating on Measures for establishing Peace, and the Governor of Maryland continuing, in his several late Letters, to make ample Professions of his sincere Inclinations for that End, it can scarcely be supposed, without highly reflecting on that Gentleman's Honour & Candour, that these late Violences are carried on by his Authority or with his Knowledge, and that therefore it will be necessary to be very explicite & plain with him on this Head. His Letter being again read, and the essential parts of it, particularly That where he seems to insist that the Germans, without any Proviso or Stipulation for them, should be left to his Government to be taxed or dealt with as they should think proper, being largely spoke to, the President is desired to prepare a Draught of an Answer to Mr. Ogle, to be laid before the Board at their next meeting, to which Time the further Consideration of these Matters is adjourned.

At a Council held at Philadia., April 8th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell, Thomas Laurence, Thomas Griffitts, Ralph Assheton, } Esquires.

A Letter from Mr. Blunston of the 2d instant, to the President, brought since the Receipt of the former of that Date, was communicated to the Board, giving an Account that the Maryland Rioters had given out that they intended in a few days to dispossess, by Force, some of the Inhabitants who have the best Plantations, & to enter upon them and maintain the Possession of them; that the Plantation late of John Hendricks on the River side was named as One they resolved to be Masters of; That should these Threats be put in Execution, & the Negociation of Peace with Maryland prove ineffectual, Bloodshed would very probably ensue, & therefore the Advice of the Board is craved herein.

The Board resuming the Consideration of Governor Ogle's Letter, the President laid before them a Draught of an Answer, which being read and & duly considered was unanimusly approved, & it is Ordered that the same be transcribed, & that the President sign & forward it with as little Loss of Time as possible. Which Answer is in these Words:

"Sir—

"We have received yours of the 29th of March, wherein you express your Satisfaction with the Concession made in the first of our Proposals, and we shall willingly hope that, as you have made no Mention of the rest, you joyn with us in our Opinion, not only of their Expediency, but Necessity, in order to give Peace to those unhappy People on the west side of Sasquehannah River, who have been so unreasonably distressed by these late Contentions, & to lay as firm a Foundation as the present Circumstances of both Provinces, in Relation to each other, may admitt, till such time as our Boundaries shall be settled, or till we shall receive Orders from a Superior Authority for that purpose. We shall also hope that it was far from your Thoughts to mean any of these Proposals, by the Terms your are pleased to use of 'such Provisoes & Conditions as can only serve for Evasions and the beginning of fresh Disturbances,' for their Tendancy to the contrary is so very manifest, that we conceive it would only be lost Time to enter into the Proof of it.

"But as you very justly observe that such an Agreement as this for the publick good can never be too plainly & clearly express'd, or Disputes about it too carefully avoided, in order to remove all possible Misapprehensions of either our Expressions or Intentions, we shall here briefly state the Whole of this Negociation between us.

"In our Letter of the 16th of December, we most earnestly press'd you to joyn with this Government in some effectual Measures for giving Peace to His Majesty's Subjects on or near our disputed Borders, & for putting an End to all these unnatural Contentions, declaring our Readiness to come into any reasonable Concessions that could be proposed for obtaining so good an End. To this on the 1st of March we received by Post your Answer of the 24th of December, wherein you desired to know of us what those Concessions were. In return to this, in our Letter of the 5th of March, mentioning the Necessity of some certain known Limits for Civil Jurisdiction, we in the plainest Terms show'd you what were the Limits we conceived we have an indubitable Right to, & consequently that all those parts over Sasquehannah, the Possession of which you are yourself the first that disputed with us, must certainly belong to & be part of this Province; yet notwithstanding this, so ardent was our Desire to procure Peace to His Majesty's Subjects, that in order to obtain It, our sole view in this Treaty, we proceeded to say, that 'if on your Part you could propose any rational Measures to render the thing practicable, we should not oppose but all those who first took up their Lands under Maryland should be allowed to acknowledge that Government, and those who took them first under This should so continue; but we added, as it cannot be expected these Points can be settled between Us by the Intercourse of Letters only, and other Particulars necessary to be considered may properly be thought of, we proposed that some Persons should, on each side, be authorized to meet as Commissioners to adjust the whole, and to this we joyned, as a necessary Preliminary, that in the mean time 'all Force should be removed, and that no Person whatsoever, in or near those Parts, should on either side be molested on any Cause or Pretence arising from these Disputes or the Proprietary Claims,' with a further Proviso, 'that nothing then proposed by us should ever be interpreted to give the Proprietaries or Governments on either side any Right, Claim, or advantage one over the other,' &c. In Return to this you appeared highly pleased with that Concession, yet tho' we plainly made it the Condition of our entring into it, that you should propose rational Measures to render the Thing practicable, you did not offer the least; you also further declined the appointing Commissioners, as we proposed, for settling the Particulars necessary to be considered in that Concession, but you acceded to our Preliminary, 'when you should receive our declared Intention not to screen by any Terms the Disavowers of that Government under which they first seated themselves, from complying with its Dues & Taxes, and that your Setlers on your Borders should not be disturbed or molested by any under our Government.' You joyned also with Us in our last Declaration or Proviso, on our explaining an Expression in it.

"Now, tho' by this Answer of yours we were disappointed in what we thought most reasonable to expect from you, yet with the

same sincerity that we had ever profess'd for preventing all Loss of Time in treating about a Conference, which we judged to be by much the best Method for adjusting the whole, we, in our Letter of the 22d past, renewed the same Concession, with those Particulars that we mentioned in our former, adding, That of a Forbearance of levying Taxes as necessary to be settled & agreed on to render that Concession practicable; for without a full Agreement on such articles as these, it is obvious that such a mutual Concession between us as That First, would be so far from producing Peace that it must only encrease the past Confusions, & prove a perpetual Fund for fresh Disturbances. These Articles are all plain & clear; they directly tend to Peace, & not one of them can give the least Advantage to the one side above the other; for in the Case of those Germans, there is not the least exception made; we propose no Indulgence for them more than the rest; we expect they shall hold their Possessions in Peace, & nothing is desired in Favour of any of them but what will be allowed to such as by their having first entred on their Possessions under this Government will of Course belong to Us. Nor will you, we hope, think it in the least unreasonable, that tho' you may be offended with those People, yet that in this Case as well as in all others where there have been Differences and Resentments, when Peace and an Agreement are proposed there should be an Amnesty and all past Resentments dropt.

"Thus to remove all manner of Objections, & to put all that has passed on our part in the clearest Light, we judged it necessary to lay the Sum of the whole together, & if you are equally with us resolved on Peace, & have acceded to these Proposals, as you have made no Objection to them (for on what you seemed to imagine we intended in Relation to the Germans, tho' we had spoke very clearly to that Point before, we have now removed every Ground of Suspicion). Our Preliminary ought immediately to be put in Execution, & litle of Importance we hope will remain, but that Commissioners should meet on the Spot to determine by the justest & strictest Enquiry they can make, who of those Inhabitants entred on the Possessions under the One, & who under the Other Government, also to adjust such other Matters as may be found further necessary for preventing any Scruples or Doubts that may possibly arise.

"As you have been particular in putting a Case for us to consider, we hope you will give us Leave to offer you One also on our Part. Suppose then the Governor of Pennsylvania, from a Desire of extending the Bounds of this Province as far South as you have done Northward, being informed of large Quantities of Land in Baltimore county, but thinly inhabited to the Westward of Chesapeake Bay, should for the Purpose ride about in Pomp amongst the People of that part of the Country, perswade those already settled to take Grants for their Lands under Pennsylvania, & encourage others to come & settle on the vacant Lands, by Assurances that nothing should be demanded of them either by Way of Purchase

or Rent, until the Dispute with Maryland be determined, and that those very People afterwards upon Discovery the Imposition, & that their Dwellings were really within the Province of Maryland, from a Sense of the Injustice done the Lord Proprietor of that Province, & likewise that in the End they must certainly lose their Lands and Improvements, should agree to renounce their Obedience to the Government of Pennsylvania. Would you in that Case call it Justice or good Neighbourhood in us forthwith to send an armed Force into the Heart of Baltimore County to distress those People, & actually to imprison their Persons & dispossess their Families? Now we in our turn only desire that what you would think proper to do in that Case, you will please to allow it lawfull for us to do in the Case before us.

"But we must not conclude this without observing that tho' in our two former Letters we have taken Notice of the continued Outrages & Violences of Higginbotham & the Gang commanded by him, & how inconsistent such Proceedings, if carried on with your Approbation or Knowledge, were with the Professions made in your Letters to us from December last, of your sincere Inclinations for Peace, yet you have not been pleased to say one Syllable in Answer to those just Complaints; & we are now astonished to find by the Accounts we have had ever since the Receipt of your last, that such shocking Barbarities are committed upon the poor unhappy People on that western side of Sasquehannah by that Gang, as cannot but fill every Breast that has any Sense of Humanity with Compassion, and raise the highest Indignation against such a wicked sett of Men, who will neither suffer the poor People, their Children, or those whom they can find means to hire, to plow their Ground for raising Corn for the Sustenance of their Families, & to prevent their perishing for want of it the ensuing Year, have threatned to hamstring or take away their Horses, if they attempt to plow or labour, & actually have made Prisoners of some of their Children employed in that necessary Work. If these Cruelties are judged proper Methods for securing to Maryland the Possession of their late unjustifiable Claims, & it should be found they are carried on by your Approbation or with your Knowledge, you must forgive us the Freedom of saying we should be at some Loss to find Terms to express the Nature of such a Conduct in Relation to us as well as to those miserable People. We have on all Occasions shown our Zeal, our hearty Inclinations, & sincere Desires for Peace. We have now offered more than we conceive could be reasonably expected of us to procure It; and if you in pursuit of those Views which require no great Penetration to see thro', should reject the Terms we have here, and in our former Letters, proposed for that End, & for establishing a mutual good Understanding amongst the Inhabitants, who are all equally His Majesty's Subjects, we shall comfort ourselves with the just Reflexion of having Discharged our Duty towards His Majesty, to our Proprietors, & our own Consciences, &

shall leave it to the Wisdom & Justice of Our Gracious Sovereign to determine at whose Door those Misunderstandings from the first, & these Distresses & Miseries of His People must lie; But in Regard to your repeated Professions, we shall be willing to hope you will condem these Violences equally with us, & that if you have not already you will immediately put a Stop to them, without which, & carrying our Preliminary into Execution, no Proposals whatever can be supposed to have been made in earnest or with any real view to Peace; Upon which, with the other Parts of this, we shall expect your plain & determinate Answer by the Return of this, our third Express, & we hope it will prove such as will give a more encouraging Prospect of the much desired Period to these unhappy Contentions, which we are perswaded will be no less to the Honour of Maryland than agreeable to the hearty Wishes as well as Endeavours of,

"Sir,

"Your Friends & humble servants,

"In behalf of the Council,

"JAMES LOGAN, Presid^{t}

"Philadelphia, April 8th, 1737.

"For His Majesty's service.

"To the Hon^{ble} Samuel Ogle, Esqr.,

"Governor of Maryland."

Upon considering what is represented by Mr. Blunston, the Board are of Opinion that the People ought by all means to maintain the Possession of their Houses and Plantations, particularly that a proper Number of People should be lodged in the House late of John Hendricks, to defend it strenuously against any Attack, if such should be attempted, and that the Sherif be called upon to give all the legal Assistance in his Power for their Defence and Protection, which the President is desired to signify to the said Sherif and the Justices of Lancaster County.

And as to those Germans who are come hither to pray Advice in their present Distress, the Board are likewise of Opinion That as they came first into this Province to settle, they were highly to blame in going over to the other side of Sasquehannah, and there, in Contempt of this Government, taking up Land under Maryland & acknowledging themselves Subjects or Tenants under It; that some of them had not only inlisted under Cressap, but had assisted him on all Occasions when called on, and particularly that the Party who took Mr. Buchannan, the late Sherif of Lancaster, was mostly made up of their People; that when they thought of returning to their Obedience under this Government, if Governor Ogle's Word is to be taken for it, who expressly charges them with it, & as for encouraging them in it, their only Inducement was their Hopes of living more easily under us in being freed from the

forty ₰ Poll & the other Maryland Taxes; That instead of defending themselves against the Force which had been sent to apprehend them, they had thrown that Charge wholly upon this Government, who had been put to great Expense on that Account; That if the Marylanders should proceed to turn them off their Plantations, as there is now no Possibility of opposing but by open War & Bloodshed, their families must be sure no otherwise to give way to it than as they are forced; and if that should prove the Case, as 'tis hoped it will not, Care will be taken to order other places for their Settlement, on their paying a reasonable Consideration for the same, & that We must wait for a suitable Redress from the Wisdom & Justice of Our Gracious Sovereign, whose Orders for putting an End to all these Disturbances have been long since humbly applyed for, & may now in a short time be expected; And the President is desired to acquaint these Germans herewith in the Name of the Council.

At a Council held at Philadia., April 21st, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell,
Thomas Laurence, Thomas Griffitts, } Esquires.
Ralph Assheton.

The Minutes of the two preceeding Councils being read & approved,

The President laid before the Board a Letter from Governor Ogle, brought by the Return of the Express, and the same being read in these Words:

"Sir—

"I have received your Letter of the 8th instant, which I own I could not read without a good deal of Concern. I had flattered my self with the agreeable hopes of your at last coming into the reasonable Conditions, That those who took up their Lands under Pensilvania should be allowed to acknowledge that Government, and those who took them first under Maryland should continue under this Government, which if it was truly & sincerely agreed to would without more adoe fully put an End to all our Disturbances; but instead of that You run into a prolix and artful Misrepresentations of Facts, and make many Proposals, which can only serve to perplex affairs and give an Occasion of renewing those horrid Violences and Insults w'ch We have so lately and severely felt from your Hands.

"If You are willing that those who first settled under Our respective Governments should continue so, no Difficulties will

remain in Our way towards a firm and lasting Peace, if you will no sincerely come into this, the longest Letters that can be writ an filled with the most pacifick Expressions, will signifie very little i an Affair where Deeds are required & not Words.

"As to what You mention of the Violences committed by som of Our People, sure You cannot possibly be in earnest after th unparalelled Cruelty and Barbarity with which Capt^n^ Cressap an several others have been used, to complain of the mild Proceeding of this Government is such a Peice of Mockery that I cannot thin You expect any serious Answer to it.

"To sum up all in as few Words as I can, whatever your Inten tions may be towards this Government, I shall put into immedia Execution Every thing that lies in my Power to prevent the r newing of your Hostilities.

"I shall leave wholly to yourselves such as first settled und your Government, over whom You may exercise your Jurisdictic according to the Laws of Pensilvania, and shall only look upon suc to be Marylanders at present, as settled and held under this Go ernment; and if any thing contrary to this shall be done by any Our People, You may depend upon my Redressing all Injuries upc the least Application. If You will grant me the same favour it all I desire, my Intention being wholly to conform my self to Eve thing that can be possibly thought reasonable to prevent futu Disturbances; the past have been but too horrid & cruel already, of which his Majesty can be the only proper Judge, before whom suppose the Affair is laid before this time.

"I am,

"Sir,

"Your most Obediant humble servant,

"SAM. OGLE.

"Annapolis, 15th April, 1737.

"To The Honourable the President and Council of the Provin of Pensilvania."

It was considered & debated; and the last Letter from this Boa to Mr. Ogle being called for & read, the Matter is referred for fu ther advisement.

At a Council held at Philadia., April 29th, 1737.

PRESENT:

The Honble. JAMES LOGAN, Esqr., President.

Samuel Preston, Thomas Griffitts,
Thomas Lawrence, Samuel Hasell, } Esquires.
Ralph Assheton,

The Minute of the preceding Council being read and approved,

The Consideration of Governor Ogle's last Letter was resumed, ereupon the President mentioned that it having been then de- ed whether it might not be adviseable to send to Annapolis two ons sufficiently authorized by this Government, who should in rsonal Conference with the said Governor press him to an ex- ite and determinate answer to the several other Proposals that mpanied the Concession made on the part of this Province and pted by him. And the Board then appearing, generally, to be his Opinion, two of its Members, Mr. Preston and Mr. Assheton, been thought of as very proper Persons on the present Occa- , and they had been severally spoke to. The first gentlemen, rithstanding the fatigue of a long Journey in his advanced years, sundry good Excuses he had urged, yet from his great Zeal and ere Desire to contribute his best Endeavors to forward so neces- a work as the Re-Establishment of Peace, had declared he ld not decline the Task provided he might have a suitable Com- on; the latter had offered such weighty Excuses that he could be further pressed. That Mr. Kinsey had afterwards been ght of and spoke to, who declared his Willingness to do any ptable Service to the Government; but his Business as a Lawyer ging him both next Week & the week after to attend some Courts e Jerseys, from which he could not be absent without failing is Engagements to his Clients & to their great Injury, he could but for that Reason be excused, so that it yet remained to think proper Person to joyn Mr. Preston.

ame in, Clement Plumsted, Esqr.

ut previous to this, the Board proceeding to consider the whole he present Negotiation with Maryland, Recourse was had to the ral Letters that had passed on the Subject; & upon reading Duplicate of that from this Board of the 5th of March, the ident took Occasion to desire that the Members present would, their best Recollection, speak their Sentiments whether they ehend there is any essential Difference between that Duplicate e Draught that was laid before the Board and approved on the 5th of March; & putting the Board in mind of that particu- Passage in it relating to a Conversation which had passed in City between Lord Baltimore & a certain Gentlemen, the Presi- said that a blank being left in his Draught for inserting an ount thereof as it should be given by the Gentleman himself, it accordingly filled up, the Board having been fully apprised of Purport of it. The Minute of that day being called for & read, of the five Members then present declared they could not re- ber any Difference, nor that any thing is contained in the said licate but what was & still is perfectly agreeable to their Senti- ts of the Subject Matter then under Deliberation & at that ncil concluded upon.

he several Letters that had passed on the Subject of the present

Negotiation being deliberately considered, and the chief Points had been pressed upon Governor Ogle as necessary to be agree to render the first Proposition or Concession made by this Gov ment practicable & effectual, for the good Purposes of re-establis Peace and maintaining Tranquillity in those parts upon Sas hanh. being these three—

That all the Inhabitants there, without Distinction, shoul quieted in their present Possessions, and suffered to remain in P

That no further Settlements should be made by either Gov ment in those parts where the late Comotions have arose; An

That some proper Measures should be Concected by the app ment of Commissioners on the part of each Government, to enq who of the Inhabitants had entred on their Possessions under One, and who under the other Government.

Upon which points Governor Ogle having hitherto declined mal any explicit Declaration, It is the Opinion of the Board tha should be further pressed by another Letter, in which the Rea ableness of each of these Proposals ought to be insisted on, to dec his Sentiments of the same, that this Government may pro with the greater Caution & Safety; and it is recommended to President to prepare a Draught to be laid before the Board at t Meeting to-morrow.

At a Council held at Philadia., April 30th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hassell,
Thomas Laurence, Thomas Griffitts, } Esqrs.
Ralph Assheton,

The Minutes of the preceeding Council being read and appro

The President, pursuant to the Direction of the Board, laid fore them a Draught of an Answer to Governer Ogle's last le and the same being read and maturely considered, was unanimo approved, and it is ordered that the President, in behalf of Board, sign a fair transcribed Copy thereof to be forwarded morrow by the Maryland Post. Which answer follows in t Words:

Philadia., April 30th, 173

"Sir—

"We received yours of the 15th instant, and have waited long for the Post to carry our answer to it, which is, that we truly concerned to find that when the Negotiation between us re-establishing Peace appeared so far advanced as to be ripe f

Conclusion, you should think fitt to term our summary of the whole a prolix & artfull Misrepresentation of Facts, without assigning one Instance to show wherein that Misrepresentation consists, or specifying what those Proposals are which you are pleased to say can only serve to perplex affairs & give Occasion of renewing violences; had you done either, it would have been incumbent on us to have cleared up the Matter, but as you content yourself with making the charge in general, we shall here briefly point out the Necessity of bringing those Proposals of ours into practice, to render what we both profess to aim at in any measure effectual.

"You insist solely upon the general proposition first offered by us on the Inducements and Terms we fully mentioned, 'That those who took up their Lands under Pennsylvania should be allowed to acknowledge this Government, & those who took them first under Maryland should continue under that Government,' and to this, in the fair sense of the Words, as we have repeatedly expressed it, both Parties are agreed; but as this cannot be so reduced to practise as to answer the end proposed, without some further particular Provisions, must be obvious to every Man who considers it. We have been truly candid & sincere in every thing we have offered, and as a certain proof of it, laid down those other provisional Proposals, without which we conceived the first would become wholly ineffectual, & instead of producing Peace, would only introduce further Confusion. For,

"First.—Can anything be more plain, if Peace is to be established amongst His Majesty's Subjects engaged in these Contentions, than that all those who had been in Possession of their Settlements in the parts you have thought fitt to dispute with us, should quietly continue to hold them, and to this we conceive you have fully agreed by acceding to our Preliminary on the Condition you mentioned, which we clearly speak to below; Nor can there be any Room left after our last Letter to say any thing further of the Dutch, save that we may observe that considering their Petition to the King on this Occasion, it may not probably be amiss to have some regard to that application.

"Again.—If on each side the People are to acknowledge that Government under which they first seated, can it be imagined that it is not absolutely necessary some Persons should be mutually appointed by a due Enquiry, to settle & distinguish who of them first entered on their Possessions under the One Government, & who under the Other, for without this it is plain that no End can be answered consistent with the Terms of the first Proposition, and this, therefore, you must also have undoubtedly acceded to.

"Again.—Unless all further Settlements be prevented till such time as our Limits are adjusted, since by your late Conduct you would lay some Claim there, and you will not doubt but that as we have ever been & are fully assured the Right is truly ours, tho'

for Peace sake and for the present we make this temporary Conces sion, can it be conceived it would be possible to prevent the highes Disorders & Contentions, should the People under both Govern ments be left to scuffle who shall take possession of Tracts tha please them under the one or the other, while there is no Authority agreed on to determine who shall have the Priority? Here would be as it were a Studied Foundation laid for unavoidable Quarrels, without any possible means left for composing them.

"We added that tho' Taxes might be assessed, the levying of them should be deferred till the Limits were adjusted, as the best means of preventing Misunderstanding; but since you make the comply ing with the Dues and Taxes of your Government the Condition of your acceding to our Preliminary, 'that all those who have been employed on your part to seize our people, & all who appear in arms for any such Purpose, shall immediately retire as all ours also, whom our Sherif of Lancaster has been obliged to call & keep together to oppose the other's illegal Attempts, shall on the first effectual Orders you give therein be likewise dismissed, & that no Person whatever in or near those parts shall on either side be molested on any Cause or Pretence arising from these Disputes or the Proprietary Claims.' We do not think that Point of Taxes of so much Importance as to be insisted on, but the rest we have mentioned are of such absolute Necessity that we cannot question our receiving your Declaration of their being perfectly agreeable with your own sentiments.

"Consistently with our sincere Intentions to preserve Peace, we gave Orders to our Sherif of Lancaster, with those People he had assembled on Higginbotham's appearing with a Force in those parts to molest no Person whatever who was in the Peace of the King and offered no violence to His peaceable Subjects, which has been carefully observed; and further, agreeable to that Preliminary, the Sherif is obliged to dismiss all such as he may have kept together for the same end, as soon as he receives Notice of your Orders to the same Effect on your part, which we have now Reason to expect will be no longer delayed. We shall likewise forthwith name a person on the part of this Government our Commissioner to repair within such time as you shall appoint, to Sasquehannah, to be joined by such as shall be named on the part of your province, in order to proceed on distinguishing & ascertaining who of the Settlers in those Parts which have been the scene of these late Contentions, first entered on their Lands under the One, & who under the other Government, before August last, when these Commotions began, & to concert such other Measures as may be most effectual for preserving Peace & preventing all further settlements there till the Dispute between our respective Proprietaries shall be ended, or Directions shall be given by Our Superiors therein.

"Thus we have in the clearest & most candid manner discharged

ourselves in every Point that can with any Colour of Reason be desired of us, for obtaining the proposed End of giving Peace to His Majesty's distressed Subjects in those parts for the Interim, till either our Boundaries are effectually settled, or till we know His Majesty's Pleasure touching the same; and if we should yet unhappily fail of It, we mus tleave it, as we formerly said, to His Wisdom & Goodness to determine at whose Door the Oppression of his Subjects is to be laid. We are,

"Sir,

"Your Friends, & humble Servants,

"In behalf of the Council,

"JAMES LOGAN, Presid^{t}

"For His Majesty's Service.

"To the Honble Samuel Ogle, Esqr.,
Governor of Maryland."

At a Council held at Philadia., May 3d, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hassell,
Thomas Laurence, Thomas Griffits, } Esqrs.
Ralph Assheton,

The Minute of the preceeding Council being read & approved,

The President acquainted the Board that the assembly, pursuant to their adjournment, having met last night, had sent this morning two Members to acquaint him, & by his means the Council, that the House were met, & if the Board had any thing to lay before them, in which their Concurrence might be necessary, they were ready to receive it; and the President hereupon representing that as the House had been called together in December on the Subject of the late Violences of the Governor of Maryland, & they had then joyned with this Board in a Representation of the same to His Majesty, he conceived it would be proper at this meeting to say something further of those affairs, & having drawn up the following Message he now laid the same before the Board for their Opinion. Which being read, was unanimously approved, & as sent down to the House is in these Words:

"From the President & Council to the House of Representatives.

"Gentlemen:

"The last time you mett was upon the Subject of the Abuses numbers of the Inhabitants of this Province had received from our unkind Neighbours, in the Administration of the Government of

Maryland, on which you judged it proper to joyn wi
in an Address or humble Petition to His Majesty; of
whereof, or further than that the Ship it went in, afte
age, got safely to London, we have not yet heard an
being no Vessell arrived here, as might have been e
Spring from Britain. We can, therefore, only observ
notwithstanding all the legal means in our Power, a
very considerable Expence, have been used to put a
Violences of the Persons acting under that Governm
west side of Sasquehannah, yet a great many of ou
have, by a continued Series of those Abuses, been tre
same Inhumanity & Cruelty as heretofore; and as
may deserve your Consideration, If you desire to k
with any of the Particulars, you shall receive all th
therein that this Board can give you.

E. "JAMES LOGAN

At a Council held at Philadia., May 4th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell,
Ralph Assheton, Thomas Griffitts,

The Minute of the preceeding Council being read a

The President acquainted the Board that he had
together to receive the Answer which he understood th
ordered to be sent up to the Message of yesterday; &
given that two Members of the House were attendin
called in, & having delivered the following Paper, sa
ordered to acquaint the President and Council that
nothing further to lay before the House, they propose
till some time in August. The Members being desired
for a litle, the Paper delivered by them was read in t

"The Answer of the House of Representatives to the
the Honourable President and Council.

"The unhappy Occasion of our last Meeting gave a
Concern to all such as wish well to the Peace and
Pennsylvania, and we are now no less affected to hear t
are still continued so much to the Inturruption of that
standing which formerly subsisted between us and our
of Maryland. As the Measures which we conceived
for our Relief were then taken, we hope it will not be
the King's Pleasure is known, and we partake of the
of his Wisdom & Justice, not doubting but your care

meantime be continued to use legal Means to preserve the Peace & Quiet of the People of this Province; And we, on our part, shall always be ready to do what is necessary for supporting this Government, while the Measures taken to protect our Inhabitants in the quiet Enjoyment of their Liberties and Properties are consistent with the peaceable Principles of the People we represent.

"Signed by Order of the House,

"A. HAMILTON, Spcaker.

"3d Mo. 4, 1737."

Whereupon, and pursuant to the Opinion of the Board, the Members were again called in, and told by the President that since the Answer fully expressed the Resolution of the House on the Message sent them, the Subject matter of which was conceived proper for their Consideration, the Board had nothing further at present to Offer.

At a Council held at Philadia., May 12th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President,

Samuel Preston, Samuel Hasell,
Thomas Laurence, Thomas Griffitts, } Esqrs.
Ralph Assheton,

The Minute of the preceeding Council being read and approved,

The President acquainted the Board that not long after receiving, on the 20th of December last, the Letter from the Governor of Virginia, then communicated to several Members of this Board, on the Subject of negotiating a Peace between the Indians of the Six Nations & the Southern Indians, the Cherikees & Catawbas, & desiring for that End a Message might be sent from hence to invite some of the Chiefs of the Six Nations to Williamsburgh, where the Deputies of those Southern Indians would attend, he, the President, had an Opportunity of seeing Conrad Weyser in this place, & judging him, from the Experience this Government has had of his Honesty & Fidelity, to be the most proper Person to carry to the Six Nations the Message proposed in that Letter, he, the President, engaged Weyser to undertake the Business, & gave him proper Instructions to that End; that being returned, he, in his own Words & Hand writing, had given a very distinct & Satisfactory Account of the Errand he was sent on, in a Paper, which being laid before the Board and read, The Answer of the six Nations is in Substance, that they were ready & willing to treat of & conclude a Peace with their Enemies the Southern Indians, but declining going to Williamsburgh, they, the Six Nations, proposed Albany for the place of meeting, where they desired their Brother Onas or (Penn) might

be present, and that they had agreed to a Cessation of Arms for one year. The President proceeded to acquaint the Board that the same day he received Governor Gooch's Letter he had answered it, & likewise wrote on the Subject to the Lieutenant Governor of New York, a Copy of whose Answer he had sent in a second Letter to Mr. Gooch, but having since heard nothing from him, it was to be suspected the Letter had miscarried; that upon this Occasion of transmitting to him Weyser's Paper he had wrote another Letter, & would be glad to have the Sentiments of the Board on it; and the same being read, the Board declaring their Approbation of the several Steps taken by the President in this matter, are unanimously of Opinion that the Establishment of a Peace between the Six Nations & Southern Indians, both of whom are in Alliance & Friendship with His Majesty's Colonies on this Continent, would not only be an effectual Means to strengthen these People against a common Enemy, but likewise might in many Respects prove highly serviceable to the British Interest, and that therefore a Design of this Nature ought to receive from the Government all possible Encouragement & Furthance.

The President then representing to the Board that it having been lately under their Consideration to send from hence two Gentlemen duly authorised by this Government, to Annapolis, to press Governor Ogle to an explicite & positive Declaration on the several Proposals made by this Board for restoring Peace on the western side of Sasquehannah, that Mr. Preston having been prevailed on to undertake the Journing, and Mr. Kinsey, who had been thought of as a proper Companion for him, being now at Liberty to attend the Business, the President moved that the Board would consider of proper Instructions to be given these Gentleman, with a Letter of Credence, for that their setting out ought not longer to be delayed, no answer being received by the Return of the Maryland Post to the last Letter from hence, & Governor Ogle's whole Conduct in this Negotiation furnishing but too good Reasons to suspect that, notwithstanding his high Professions, he intends little else than delay & Amusement; and the board concurring in Sentiments with the President, he laid before them an unfinished Draught of Instructions, which being read, is continued under Consideration till tomorrow morning at eleven a clock, to which time the Council adjourned.

At a Council held at Philadia., May 13th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell,
Thomas Laurence, Thomas Griffitts. } Esqrs.
Ralph Assheton,

The Minute of yesterday's Council being read and approved,

The Consideration of the Matters touching the Treaty with Maryland was resumed, and a compleated Draught of the Instructions, with a Draught of a Letter of Credence, were read, & being debated, were continued under consideration till to-Morrow.

At a Council held at Philadia., May 14th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Ralph Assheton,
Clement Plumsted, Samuel Hasell, } Esqrs.
Thomas Laurence, Thomas Griffitts,

The Minute of the preceeding Council being read and approved,

The Board resumed the Consideration of the Instructions & Letter of Credence, & upon mature & deliberate Advisement, the same were fully agreed & concluded upon; but as Mr. Kinsey, who is to bear a part in the Negotiation, is not yet come to town from Jersey, if any thing shall be found further necessary by his advice to be added to the instructions, the Board agree that it may be done by the President, or if the Matter be of Importance the Council may be called to consider of it.

The Letter is as follows:

Philadelphia, May 14th, 1737.

"Sir:

"Having in our late Letters given you ample Proof of our sincere Inclinations to bring the Treaty that has for some time past been on Foot between us to a Conclusion, in departing for the present from our undoubted Right, and condescending further than with Reason & Justice could be expected of us, & being fully determined to persevere in the same Zeal for putting a Stop to those Disorders on the western side of Sasquehannah that, to the great Reproach of Government, have been carried on amongst His Majesty's Subjects, whose Peace & Security we are equally on both sides obliged to study & maintain, We have now thought fitt to appoint two Gentlemen of Character & Worth, Samuel Preston and

John Kinsey, Esquires, to repair to Annapolis, with full Authority to treat with you & to putt a finishing Hand to our mutual Agreement, until His Majesty's Pleasure, to whose Royal Determination the Matter is now submitted, shall be signified to us for our future Direction; You will be pleased therefore to receive them as invested with plenary Powers on the part of this Government to proceed herein, whose Acts shall be confirmed by us, if necessary, in any Form that may be judged proper for their further Ratification. We are,

"Sir,

"Your Friends and humble Servants,

"In behalf of the Council,

"JAMES LOGAN, Presidt.

"To the Honble Samuel Ogle, Esq^r. Lieu^t. Governor of Maryland."

The Instructions were in these Words:

"To Samuel Preston and John Kinsey, Esquires:

"Gentlemen:

"Seeing at the earnest Request of this Government you have submitted to take upon you the trouble of a Journey to Annapolis, in order to treat with the Governor of Maryland on the Differences subsisting between us occasioned by his Incroachments on this Province since the time of the last agreement between the Proprietors, and to endeavor to put a Stop to the Disorders committed by his Authority, It may be requisite we should give our Sentiments of the measures proper to be taken in this Negotiation.

"You are sensible this Government has at all times most earnestly laboured to preserve Peace and a good understanding with Maryland, and it was hoped the solemn Agreement between the respective Proprietaries, concluded the 10^th^ of May, 1732, would have effectually adjusted all Differences, and have rendered it almost impossible for any further to arise between the two Governments; You are sensible, also, of the Means applied to elude that Agreement, and the Endeavours used by the present Governor of Maryland to make it void, As also of the foundations laid by him from time to time to create Differences by his new Invasions on this Province, in parts where Maryland had never made any attempt of the kind before; Many Letters passed on these heads between our late Governor Gordon and Governor Ogle without effect; at length, on the Return of his two Commissioners, Jennings & Dulany, from Philadelphia, in our Letter of the 16^th^ of December, we prest him most earnestly to enter into some pacific measures with us to put a Stop to these unhappy Contentions, assuring him we would for that End make any reasonable Concessions that should be proposed; from this time he carried on his Hostilities against us without taking

y Notice of that Letter for many Weeks, till on the first of March received by Post his answer, which he had thought fitt to date 24th of December, desiring to know of us what those Concessions re, and at the same time making high Professions of his Inclion to Peace of those Letters & all the Subsequent that passed ween us, you have now Copies delivered to you, which will so y instruct you that it is needless to repeat any part of them e.

In our last to him of 30th of April by the Post (our three for- having been sent by Expresses) You will see our Treaty is rowed to a Point, and on considering the whole, One might ra- ally suppose there remains nothing but an open Declaration to e it. This you are desired to Labour, and from the Success of r Endeavors You will be able clearly to distinguish whether ernor Ogle ever intended more by his Letters and Proposals a meer amusement, & to gain from us some Concessions to their antage, without doing anything on his part. But in our first wer to him of the 5th of March, you will observe that before we ld enter into any further particular, or make any Concession, asserted our Boundary for the present as far to the Southward he Mouth of Octararoe Creek or thereabouts; that when we le the Concession 'that those who had first settled under that ernment should continues to acknowledge it,' We took care, at ame time, expressly to limit this to such time only as that our ndaries should be fixed, or till these matters should be settled Superior Authority. We made it a Preliminary, also, that all e should be removed, and no person be molested on any Account tsoever arising from the Proprietary Claims, on the punctual ervation and Execution of which you are strictly to insist; We ed, also, another Proviso that nothing conceded to in the Treaty ld by any Construction, Inference, &ca. whatsoever, be inter- ed in any measure to affect the Proprietor's Claims; and these icles & Provisoes you will find we have carefully carried through our other Letters. It is proper, also, we should add, that this cession was made wholly on the foot of the Agreement with Lord Baltimore in London, in 1724, tho' those new Incroach- its were far from being within the Intention of that Agreement, f the Lord Baltimore himself, who was never for extending his ims in any manner inconsistent with the Publick Peace, as you see by his Declaration mentioned in the same Letter, viz., that he 5th of March last.

As the Concessions we have already made are beyond what ld with Reason or in Justice be desired of us, and were entred solely from the earnestness of our Desire to obtain Peace for Majesty's distressed Subjects, which, as we have always done, will likewise constantly declare to have been our Sole Induce- t, there cannot, we conceive, be Room to add any thing further

in that way, or to enlarge them, at least not in any point of Imp ance.

"If Governor Ogle, according to the Practice he has too o made us sensible of, should in his usual strain of Declaring his Candour, the Sincerity of his Intentions, the Plainess & Expedie of all his Proposals, refuse or decline to treat any further, you in that Case draw up a proper Remonstrance, setting forth the Spring and Cause of these Disturbances, how unjustly & incon ently with the Lord Baltimore's Honour His Lieutenant has ca them on, & still continues them; That on our part we have made one Step, but what the Insults & Violences of those who a under his Influence & by his authority had rendred Necessar therefore for whatever has happened of a harsher Nature in t Proceedings that Government alone is Accountable; that we on our part from time to time used all the rational means in power to induce him to more amicable measures, & for obtai Peace to His Majesty's distressed Subjects; we have even, cont to all Reason, submitted to the very terms that he himself had posed, adding what Observations will naturally arise from his duct towards you in this Affair."

"If he should come to closer terms, and, mentioning Cres affair, require Reparation for his pretended Losses, you will say is proper on that Occasion; that his unsufferable Insults & Ab rendred it absolutely necessary that a Stop should be put to th that he had been guilty of Murthering one Man & threatened Lives of others; that what was done was in execution of a Warrant against him, and that what ensued was occasioned S by his obstinate and unjustifiable Resistance, but that the who this Affair being laid before His Majesty, to whose great Wis and Justice it is entirely Submitted, it will best become Governments to wait the Issue of the Royal Determination her

"In behalf of the Council,

"JAMES LOGAN, Presid

At a Council held at Philadia., June 6th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President,

Clement Plumstead, Samuel Hasell, Thomas Laurence, Thomas Griffitts, } Esqrs. Ralph Assheton,

The Minute of the preceeding Council being read and appro

Mr. Kinsey, who returned to town from Maryland last f evening, having Notice of this meeting of the Council, & attending, was called in and acquainted the Board that in purs

of the Authority and Instructions given Mr. Preston and himself, they had joyfully waited upon Governor Ogle at Annapolis; that Mr. Preston intending to spend a few days with his Relations in Maryland, was not yet returned, & therefore the Report of their Proceedings could not be fully compleated; that these nevertheless would in a good Measure appear from the Papers that had been exchanged between them & that Governor, which he delivered in at the Table and then withdrew.

The said Papers being four in Number, were read & continued under consideration until a Report of the whole shall be made in Form.

The President then informed the Board that the Judges of the Supreme Court had made Report to him of their Proceedings at the Courts of Oyer and Terminer and general Goal Delivery, lately held at Philadia. for the City and County of Philadelphia, and at Chester for that County, whereby it appears that at the former, three Persons were convicted of Capital offences, to witt: Henry Wildman & Catharine Connor, als. Smith, for Burglary, & Isaac Bradford for a Robbery, and at the latter, one Joseph Bevan for wilfully setting fire to a Barn, and had all received Sentence of Death. The President then observing that this Board being at present invested with the same Authority as a Governor, & having Power by the Royal Charter to pardon all Crimes, excepting those of Treason and wilfull and malicious Murder, he desired their Sentiments touching the awarding of the Execution of the said Sentences; But several Members desiring to be further informed of the Circumstances of some of the Criminals, the Matter is held under Advisement till the next meeting of Council.

At a Council held at Philadia., June 16th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston,	Samuel Hasell,	Esquires.
Clement Plumsted,	Thomas Griffitts,	
Thomas Laurence,		

The Minute of the preceeding Council being read and approved,

Mr. Preston laid before the Board a Report signed by him & Mr. Kinsey, of their Proceedings in Maryland, pursuant to the Instructions given them for treating with the Governor of that Province; and the said Report, together with the Papers therein referred to, delivered at the preceeding Council by Mr. Kinsey, being read, the Board joyned in returning Thanks to these Gentlemen for the Trouble & Pains they had taken to serve the Publick, in which, tho' their Endeavours have not been attended with the Success that

might reasonably have been expected, yet it could not but be highl Satisfactory to those concerned in the Administration here to reflec that no Measures, consistent with Right & Justice, had bee omitted on the Part of this Province for re-establishing Peace and good Understanding between the two Governments, Which must b submitted to the Judgment of our Superiors.

The Report aforesaid follows in these Words:

"To James Logan, Esq^r President, and others, the Council of the Province of Pensylvania.

"As you were lately pleased to entrust us with Powers on behalf of this Government, to finish, if we possibly could, the Treaty which then was and for some time past had been on foot with Samuel Ogle, Esq^r Lieutenant Governor of Maryland, for putting a stop to the disorders which have been committed on the west side of the Sasquehannah, We conceive it a Duty encumbent upon us to give you a Narrative of the Progress we have made in pursuance of those Powers, which from the best of our Recollection and Remembrance is in Substance as follows:

"Soon after the receipt of your Letter we set out for Annapolis, and on the twenty-fourth day of the last month we arrived there, but it being late in the morning we thought it improper to apply to the Governor until he had dined; in a litle time after we waited upon him, were civilly received, & delivered to him the Letter given us in charge, after reading of which he told us an Agreement might have been long since had; that he was always desirous things should remain in the State in which he found them, until the disputed Boundaries were settled by a proper Jurisdiction; that he would lay the Letter we delivered him before the Council the first thing the next morning, and then we were to have their result. We let him know how satisfactory it was to us to find him disposed to put an End to the unhappy disputes which had subsisted; that we were not inclined to enter into a detail of the disturbances which had happened between the two Governments, as what might tend rather to widen the Breach than to make it up; that it was probable we and they might have different Conceptions of those matters, but what was past could not be recalled; that the consideration of it was before a proper Judicature, who only had a right to determine therein; that where ever the fault had been, it would be prudent for both Governments to avoid future Disturbances. We then took leave of the Governor for that time to wait the result of the Council, & went to our Lodgings, and soon after our coming thither, by a Messenger from the Governor, were invited to dine with him next day, which we promissed.

"About twelve of the clock next day we received a Message from the Governor, by John Ross, Clerk of the Council, acquainting us that the Governor had laid the letter we delivered to him before

the Council; that they were willing to hear what we had to propose to them at six of the Clock that afternoon, and desired our attendance at the Council Chamber, which we agreed to; and considering that what might pass on the conference, we expected being verbal only, would do on such relations as either party might give of it, we concluded it was necessary to committ to writing what we had to propose to the Governor in Council, in pursuance of your Instructions to us, and thereupon prepared the Original of which the Paper delivered to you, marked No. 1, is a Copy.

"We then went to the Governor, were civilly received, dined with him and divers of the Council, and soon after left him, and had divers Conferences as well with the Prisoners as with James Colder, their Counsel, touching what Defence might be necessary to make to the Information filed against them (amongst other things) for retaining with strong hand the Possession of divers Lands & Tenements of the Lord Baltimore's; and a paper was agreed on, purporting, in Substance, that the matters charged in the Information were not true in such manner & form as therein is set forth; that what was done was legal, and done in the County of Lancaster, in our Province, and not in that of Maryland; and that if this was over-ruled, as in like Cases had been done, then to plead the general Issue of not Guilty, in order to have a Tryal, for it seems plain if the Prisoners are to be dispossessed it will be by colour of law on a conviction on this Information.

"The time appointed for meeting the Council being come, and Notice being given us of their being met, we went to the Council Chamber, found the Governor & Council sitting, were courteously received, & Chairs being prepared, were desired to sit down, and we accordingly seated ourselves.

"The Governor then let us know he had communicated your letter to the Council, by which they were informed we were Impowered, on the part of the Government of Pennsylvania, to endeavour an accommodation of the disputes which happened between this Province & theirs, and told us they were then Willing to hear what we had to propose to them. In Answer to which we acquainted him that to prevent Mistakes we had committed what we had thought fit to offer to them on this Occasion to writing, which we had ready, and was then delivered in Council and read.

"After reading of which the Governor said he supposed we were desirous of an answer in Writing, which we agreed to, and he promissed we should have, but in the mean time said he was willing to enter into a free Conference on the Subject, that we might agree matters if we could; and we discovering our willingness to enter into such a Conference, He proceeded to speak to the Proposals we had made of appointing Commissioners to distinguish & determine which of those who were settled on the lands in dispute first entred under the one or the other Government, and urged their Consent

to such an appointment would leave it so loose and open t
Misunderstandings might arise; that if two Commissio
named by each Government and they disagreed in their
nothing could be done, the whole agreement would become
To this he was answered that it might be objected; the a
of such Commissioners would be useless but not that it
injurious; that there was at least the chance of their agre
which case the End of their Appointment would be answ
altho' they disagreed, Yet the Provinces would be then upo
Terms as he proposed them to be at all, for the other artic
subsist in full force, altho' the Article appointing Com
became ineffectual by such disagreement.

"Govenor Ogle at length agreeing to the necessity the
determining who settled under each Government, then i
might as well be done by them and us as by appointing ot
missioners, unless we were limited by our Instructions, and
missioners, if they were appointed, would never agree; bu
of Opinion that if each Government remained without
themselves in the Affair, There was no great reason to
that Commissioners to be appointed might determine im
whereas, if either Government made claim to any particula
of those who were settled on the Lands in controversy, it
bable disputes might arise not easy to be settled, because if
sioners were afterward appointed (as we conceived there
they should give up to the other in such case), any of th
tants so settled, it would be tacitly admitting the Governm
chose them in the wrong, which could hardly be expec
them; besides we urged there was a necessity of examini
who were thus settled, and perhaps others in the neig
touching the affair, before it could be determined who sett
one Government or the other, which was impractacable
going to or sending for the People who live at a great dist

"Edmond Jennings, Esquire, one of the Council, then in
& desired to be informed touching the intent of the latt
the third article which we had proposed (in the paper
delivered to them), as agreed on, viz.: 'That no person
molested,' &c. He was answered. Our intent was agreeal
Preliminary proposed in your letter, which Governor
acceded to on Condition, which we had subjoined to that
and upon this the Paragraph in your Letter, with his
thereto, were read.

"The Governor, neither on this or any other Occasio
his intentions in that Concession to be as we contended for
he did not think it reasonable for our Government to in
terms for such whom we agree were settled under their
ment. That those they agreed to be Pennsylvanians he
would be used with Humanity and Tenderness as they

and the like might said of theirs. One of us replyed no more was contended for than what he had agreed to in his Letter.

"Edmond Jennings, Esq^r^ again interposing, said there had been injuries done to particulare Persons, & enquired what we proposed in respect to them. He was answered there was a necessity of a power to determine who was in the wrong, before any Reparation could be awarded; that those matters were before a proper Judicature, and it was reasonable they should wait the event of the Determination there.

"The Governor divers times declared his sincere Inclinations for Peace, complemented us as being acceptable Messengers on the occasion, said he should be glad Articles could be drawn up so clearly exprest, as might leave no room for future disputes, &^c^

"Our Conference held untill it was too dark to sit any longer & then broke up.

"The next day about three of the Clock afternoon, we received a second Message from the Governor & Council by their Secretary, signifying that they had agreed on an answer to our paper, and desired us to meet them in the Council Chamber about five. Accordingly about that time we attended, and the Paper N^o^ 2 was then read and delivered to us, and we let them know they should have our Reply in writing. We then entered into further Conversation touching our last Paper. The Governor's objections to the articles, we therein proposed as agreed to, were chiefly to the mode of Expression, viz.: that he did not allow he had sent up any Men in arms to seize the people of Pennsylvania, but only to reduce those settled under Maryland to obedience who had refused to pay their Taxes—again that he did not allow there had been illegal attempts made by Authority from the Government of Maryland, which Occasioned the Sheriff of Lancaster to call any assistance to oppose them, and therefore insisted the article touching removing of force should be expressed as not to charge the blame on either Government.

"To this he was answered that the mode of Expressions was taken from your Letters, and the Concessions in those of his own, nevertheless if the Substance of the articles were retained, the Expression might be varied as he desired.

"We had also a further Conference touching the manner of determining who settled on the Lands in dispute under each Government. The Governor told us he thought it would be easy to distinguish them by Name in the articles—said an answer to two or three plain Questions would determine it, as whose they took the land to be at the time of their first Entry? To whom had they paid their Taxes? And further that the Germans entred on the lands on which they are ——— under them, but were prevailed on by the threats & perswasions of some of the Magistrates of Lancaster to renounce their Government, &^c^ He was answered that Matter was very differently represented to us, that one of us

had an Opportunity since our coming there of enquiring of
those Germans, who declared, that on their first Entry on the
in Question, they looked upon them as belonging to the Prop
of Pennsylvania, but that Cressap pretending an authority
the Government of Maryland, threatened to dispossess them
their would suffer their Plantations to be surveyed by him as b
ing to Maryland; that being strangers, who had the right to
being dispossessed, they permitted him to make Surveys, exp
a confirmation of their possessions from the Government of
land, And we understood that they having been disappointed i
respect by the Government of Maryland, and their having
wards been fully assured the lands belonged to our Propr
occasion their voluntary application to our Magistrates for prot
from our Government, and that they were not induced ther
any threats or perswasions whatsoever. This and more past a
Conference, but as it does not relate immediately to what was
us in charge we conceive it improper to relate here.

"It being near night we parted, and the next day prep
Replication to the Governor's written Message, of which the
No. 3, already delivered you, is a copy, but having been lo
tained at dinner, and some mistakes happening in transcribing,
the morning of the next day following before we presented it
delivered it to the Governor at His own house, and after rea
he promised to lay it before the Council, but then signified l
retained his opinion against the Appointment of the Commis
as what would be altogether useless. One of us let him kn
thought Commissioners appointed would settle that matter w
the difficulty he seemed to apprehend, that it was not a ma
any great Consequence to either Government, for though,
determination of the controversy between the Proprietors
two Governments, it was reasonable to believe care would be
of those who had anciently settled by mistake in the limits of
Province, yet that it would not be the case of such who
(perhaps without leave from either of the Proprietors) havi
full notice of the controversy, but that they would certainly
the mercy of the owners of the Lands, in whose Boundarie
might happen to fall; that as to such who have entred sin
has been depending, they were so far from being entitled
favor, it was rather a contempt of the Authority of the C
which the Suit subsists. To all which the Governor said litt
shewed no difference of Opinion; yet it had not the effect int
which was to show that the matter being of no great conse
to either Government, there was no reason to doubt but that
missioners chosen might determine it; but he adhered to his
Sentiments.

"It was then proposed to him, that since difficulties occu
respect to the appointment of the Commissioners we contend
that we might endeavor to agree upon the other articles, b

the Governor declined, urging it was necessary first to distinguish the Persons who settled under each Government. Other discourse past between us, too long to be here inserted, in which we gave him the utmost assurances we were capable off, of the sincere & hearty desires of those concerned in this Government to put an End to the unhappy contentions which had happened, in any reasonable manner; and soon after we left the Governor & returned to our lodging to wait the result of his and the Council's further deliberations. What afterwards past there we are strangers to, being no more called to conferr with them, but going abroad that day to dine with Benjamin Tasker (one of the Council & Lord Baltimore's agent), on our return to our Lodging (which was soon after), we found under cover directed to us the original Paper marked No. 4, and being informed the Governor was gone out of town, the Council seperated, & finding by the Paper last delivered to us nothing further could then be done, we in a little time also left Annapolis, and must submitt our conduct and the further Proceeding necessary in the affair to your consideration.

"SAM^{L} PRESTON,
"JOHN KINSEY.

"Dated the 14th 4th M^{o} 1737."

Papers referred to in the foregoing Report.

No. 1.

"To the Honourable SAMUEL OGLE, Esq^{r} Lieu^{t} Governor of Maryland In Council.

"May it please the Governor & Council:

"The unhappy differences which have subsisted on the west side of the River Sasquehannah have given great uneasiness to the Government and Inhabitants of Pennsylvania, and rendered the care of that Government, as well as this of ———— Maryland, highly necessary, in order to put a stop to them; to accomplish which an intercourse of Letters have past, and the controversie is thereby reduced to so narrow a compass we hope it will not be difficult to put a Period to it. The Government of Pennsylvania, ardently desirous thereof, hath vested us with plenary Powers, and we now attend by their Directions, ready & willing to concurr with any rational Measures that can be proposed for promoting good Neighbourhood, putting a stop to violence, and restoring Peace to those unhappy & distressed People situate on the Lands in dispute. To facilitate this design, we conceive it will be proper to consider the Tenour of such parts of the several Letters, which have past between the two Governments, more immediately relating to those disputes, to distinguish the Points already agreed upon from those as yet remaining undetermined, and on the whole to find out some expedient to reconcile the differences, if any yet remain.

"By the Letter from our President & Council to Governor O dated the 5th of March last, we observe, after setting forth that 'W out some certain known Limits for civil Jurisdiction, &c. that i scarce possible by any means to avoid confusion, &c.' they go thus:

"Yet so ardent is our desire to procure Peace to His Majest Subjects in those parts ——, that if you on your part can prop any rational Measures to render the thing practicable, we shall oppose but that all those who first took up Lands under Maryl may be allowed to acknowledge that Government; only those w coming into this Province to inhabit it, and going over Sasq hannah to seek for Settlements, were either forced or decoyed Thomas Cressap or others to submit to your Government, ou certainly to be left to that to which they first belonged; and those who settled as Pennsylvanians under this should continue Peace, &c.

"They then propose Commissioners to meet and adjust matt and add:

"In the mean time we make it a Preliminary that all those w have been employed on your part to seize our People, and all w appear in Arms for any such purpose shall immediately retire, all ours also, whom our Sherif of Lancaster has been obliged to and keep together to oppose the other's illegal attempts, shall, the first effectually orders you give therein, be likewise dismiss and that no Person whatsoever, in or near those parts, shall either side be molested on any cause or Pretence arising from th disputes or the Proprietary Claims.

"To this Governor Ogle, in his Letter of the 11th of the sa Month, amongst other things returns for answer:

"I shall not object to the Preliminary you are pleased to ma when I shall have received your declared Intention not to scre by any terms the disavowers of this Government, under which th first seated, from complying with the Dues & Taxes thereof, a that our Settlers on the Borders shall not be disturbed or molest by any under your Government.

"To this our President & Council reply in their Letter of t 22d of the same Month, amongst other things, as follows, viz.:

"We shall here in full terms express our meaning, which that those Inhabitants who at first entred on their Possessi under the Government of Maryland, should, till such time as Boundaries shall be settled, or till Orders are received from a perior Authority, be allowed to acknowledge that Government; all such others as entred on their Possessions under this Gov ment should in the same manner be allowed to acknowledge But the more effectually to give Peace, &c. we take it to be ne sary and accordingly propose that all those Inhabitants, who w

their Possessions have been the Subject of the late contentions or Disputes, should in the mean time be exempted from the payment of all Taxes and other Duties, &ca; but in the mean time no further Settlements to be made, &ca.

"To this Governor Ogle in his Letter, dated the 15th April, 1737, among other things returns thus, viz.:

"If you are willing that those who first settled under our respective Governments should continue so, no difficulty will remain in our way towards a firm & lasting Peace, &ca. Again:

"I shall leave wholly to yourselves such as first settled under your Government, over whom you may exercise your Jurisdiction according to the Laws of Pennsylvania, and shall only look on such as Marylanders at present, as settled and held under this Government; and if any thing contrary to this shall be done by any of our people, you may depend on our redressing all injuries on the least application. If you will grant me the same favour, it is all I desire.

To this the President and Council in their Letter dated the 30th April following, among other things write as follows, viz:

"If on each Side the People of each Government are to acknowledge that Government under which they first seated, can it be imagined that it is not absolutely necessary some Persons should be mutually appointed by a due enquiry to settle and distinguish who of them first entred on their Possessions under one Government, who on the other? for without this it is plain that no End can be answered consistent with the Terms of the first Proposition; and this, therefore, You must also have undoubtedly acceded to." Again:

"Unless all further Settlement be prevented till such time as our Limits are adjusted, since by your late conduct you would lay some claim there, and you will not doubt but that as we have ever been and are fully assured the right is truly ours, though for Peace sake & for the present we make this temporary concession, can it be conceived it would be possible to prevent the highest disorders & contentions should the People under both Governments be left to scuffle who shall take Possession of Tracts that please them under the one or the other, while there is no Authority agreed on to determine who shall have the Priority, &ca?"

They next proceed to show the reason why they conceived the levying of Taxes on those settled on the Lands in dispute should be deferred, and then add:

"We do not think that point of Taxes of so much Importance as to be insisted on; but the rest we have mentioned are of such absolute necessity, that we cannot question our receiving your declaration of their being perfectly agreeable with your own Sentiments.

From all which we think it evident the following articles are agreed to by both Governments, to witt:

1. That all those who have been employed on the part of Government of Maryland to seize the Inhabitants of Pennsylva & all who appear in arms for any such purpose shall immediat retire.

2. That in like manner those People which the Sherif of Lan ter has been obliged to call together to oppose any illegal attem which might be might in his Bailiwick are also to be dismissed, that Orders be immediately issued by both Governments to that E

3. That those Inhabitants now settled on the Lands in disp who at first entered on their possessions under the Governmen Maryland, shall, till such time as the Boundaries be settled, or Orders are received from Superior authority, be allowed to ackn ledge that Government; and all such others as entred on th Possessions under the Government of Pennsylvania, should in same manner be allowed to acknowledge it; and that no person wh soever in or near the Lands in Controversy shall be molested in th Persons or Estates on any cause of pretence arising from the c putes which have happened between the two Governments or Proprietaries claims, provided they pay their Taxes & other Dues the Government under which they respectively seated.

4. That nothing contained herein shall affect the right of Proprietors of either Government, but are only temporary expe ents for preserving the Public Peace.

The Points which remain undetermined are two, viz^t:

1. Whether it be not reasonable & necessary that no further S tlements be made on the Lands in dispute.

2. Whether it be not reasonable & necessary that Persons mutally appointed to enquire & distinguish who settled under t Government of Pennsylvania & who under the Government Maryland.

"The first of these being what Governor Ogle himself thoug reasonable & necessary, as appears by his Letter to the late G ernor Gordon, dated the 15th of June, 1735, and in Governor Ogl answer to the representation of Andrew Hamilton and John George Esq^{rs} dated the 23^d of May, 1734, and remaining equally so no we presume you will not be against it.

"And the second being so absolutely necessary as that with which the whole agreement must be vain, we hope you will think reasonable also to agree to this article, and we earnestly requ you will communicate your Sentiments expressly on those hea and we are ready & willing to joyn either with Governor Ogle any other duly authorized on the part of the Government of Ma land, in drawing up & signing Articles of Agreement of the purp foregoing, which we doubt not will answer those good Ends wh the Government of Maryland profess to have in view; and we fully sensible the Government of Pennsylvania have much at Hea

to witt, the preservation of the Public Peace on the Lands in controversy, & cultivating the good understanding necessary between Governments subject to the same Crown and bordering upon each other.

"SAM'L. PRESTON,
"JOHN KINSEY.

"Annapolis, the 24th of the Month called May, 1737."

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No. 2.

"GENTLEMEN:

"You may easily imagine how agreeably your coming hither on the Subject of Amity between the two Governments is to my sincere Dispositions and repeated Endeavors and Proposals, not only for the preventing those violences which have lately happened, but for restoring that Peace and Quietness on the Borders which have been So greatly disturbed by Persons acting under or pretending an authority from the Government of Pennsylvania; and I must candidly assure you that the Government of Pennsylvania has not appeared to me by any Instance so inclinable for a good understanding and Harmony between the two provinces as now by appointment of you two Gentlemen, whose Candor and other well known recommending Qualities give you a hearty Welcome here, & leave me little Room to doubt of our being satisfied of the Reasonableness of my conduct, and of what I shall say upon this Occasion.

"I purposely omit mentioning the Occasion and aggravating Progress of the late Disturbances, lest a Review of them might destroy that Faith and confidence which is so necessary at present for our amicable purposes; and for the same reason I pass over the partial Extracts out of my Letters, mentioned in your Paper of the 24th of this Instant, delivered to me last night in Council.

"You will give me Leave just to take Notice, that on the 23d May, 1734, this Government proposed for the Establishment of Peace on the Borders, to Messrs Hamilton & Georges (appointed by the Government of Pennsylvania to treat of Measures for that purpose), 'To make an application to His Majesty that He would be pleased to take into his just & wise Consideration the Mischiefs arising from the Uncertainties of the Boundaries of our respective Governments, and to determine and fix the same as He in His Wisdom & Justice should be pleased to order and direct.'

"And it was at the same time further offered by this Government, 'To remove and discourage any new Settlements on the Borders since my administration, and by Proclamations to forbid and deter any Person within the respective Governments from making any other new Settlements on the Borders until His Majesty's Pleasure should be known;' without entering further into what fol-

lowed, I will only add, that had these Measures been conceded to by the Government of Pennsylvania, I am perswaded neither Government would have had any Pretence to think so hard of Each other as perhaps they now do.

"In that Paper of yours of the 24th Instant, You seem to draw some Conclusions from the Extracts of the Letters there mentioned, on which you found four articles as agreed to by both Governments. I must own my Surprise at that way of reasoning, nor can I comprehend how the first and second of those Articles can be fairly deduced, either from my Letters or the Behaviour of this Government, and I am equally at a Loss to know from the Generality of Expression, what is intended by the latter part of the third Article. But as I flatter my self, the Mode of expressing those Articles and what may be meant thereby, as well as several others Requisites will be easily reconciled to the Satisfaction of both Governments, if the more Substantial Ground Works of Peace and good Neighbourhood can be settled. I shall wave any further Explanation at present on those or any other Articles, and come to the two points which you say remain undetermined.

"As to the first, I perfectly agree with you, that no further Settlements shall be made on the Lands in Dispute.

"As to the Second, It is certainly reasonable and necessary to enquire and distinguish what Persons settled under the one Government or the other. But I cannot approve the Method proposed by you for making that Enquiry and Distinction, by Persons to be mutually appointed, for I am too certain not only of the Delay but of the many Consequences which will render our amicable Intentions ineffectual; and therefore, as my earnestness for Peace and good understanding between the two Governments is so sincere, as will not permit me to lose sight of what is now in view and agitation for that desirable End. I am now ready and earnestly intreat you will immediately enter with me into that Enquiry and Distinction. But if your powers or Instructions from the Government of Pennsylvania are not sufficient for that purpose, I hope you will think it practicable, as it is very easy at this time of year for you to receive speedily before you leave this Province all necessary Powers and Instructions in that point; and be pleased to permit me to observe, that should I be disappointed in what I now propose, I could not help entertaining Strong Doubts of the sincerity of your Government; tho' I should at the same time retain my present good Opinion of your own Integrity and Candor.

"SAM. OGLE.

"Annapolis, 26th May, 1737.

No. 3.

"To the Honourable SAMUEL OGLE, Esq^r. Lieu^t. Governor of the Province of Maryland In Council.

"May it please the Governor & Council:

"We are sensible of the Obligations we are under for the good Opinion the Governor is pleased to express concerning us, and for the Civility & Candor where with we have been received; but what gives us the greatest Satisfaction, & which we doubt not will be very acceptable to the Government of Pennsylvania, is to find the Government here so well disposed towards a Stop to those Violences which have lately happened & to restore to the Inhabitants on our Borders that Peace which we acknowledge to have been greatly disturbed; the Observations we have made of these good Dispositions in the Government here, gives us a reluctancey towards any thing which might look harsh or severe, or that might obstruct the advances which we hope are made towards putting an End to those unhappy disputes; yet in Justice to the Government who sent us hither, permit us to say that when every scrutiny shall be made concerning those Disturbances, we think it will appear their Rise & Progress were owing to such who either had or pretended an Authority from the Government of Maryland, we are unwilling to say more on this Occasion, nor do we apprehend it can be of any use; the conduct of both Governments on the Points in Question being under the Consideration of a proper Judicature who have the right of approving and censuring therein, as to them shall seem just.

"We find by Papers communicated to us that such Propositions as the Governor is pleased to mention, to witt: 'That an Application should be made to His Majesty, that He would be pleased to take into His just & wise Consideration the Mischiefs arising from the uncertainty of the Boundaries of the respective Governments,' and for the preventing new Settlements on the Borders, &^c. were made to Andrew Hamilton & John Georges, Esq^rs. but we think it could not be expected of those Gentlemen to concede to such an Application without their taking Notice, as they did, from whence that uncertainty of the Boundaries arose, that is to say, by not executing the Articles of Agreement made between the Lord Baltimore and the Proprietors of Pennsylvania, in the year 1732; nor can we be of Opinion that if such an Application had been made it could have prevented the disturbances which since happened, because it seems clear to us the validity of the Agreement before mentioned must thereby have come in Question, And that it could only have been determined by referring the decision thereof (as is since done) to that Honourable Court in which it is now depending; so that if no other expedient were agreed on in the mean time, just the same inconveniences which have since happen'd might notwithstanding have ensued.

"The Extracts we made out of the several Letters in our Paper of the 24th instant were, we conceive, and fairly justly done, nor can we discover but that our first & second Articles are agreeable to those Extracts. Yet as the Objection to them seems to arise rather from the mode of Expression than from the Substance & Intent of those Articles, we desire to know in what other manner the Government of Maryland would have them expressed, we are not inclinable to differ about words, Provided they retain the substance & meaning we there had in View.

"The intent of the latter part of the third Article we propos[illegible]ed as agreed on, We also think very evident from the Words themselves, and agreeable the Preliminary proposed on the part of our Government in the second paragraph of the first Letter mentioned in our former Paper, which we understood to be acceded to by Governor Ogle, in his Letter there recited, under the Conditions which we have subjoined to that Article. Nevertheless, if any other mode of Expression be proposed to us more sutisfactory, Provided the intention be retained, we are content.

"We are well pleased to find the Sentiments of the Governm[illegible]nt here are so agreeable to that of our own Governm[illegible] in respect to making no further Settlements on the Lands in dispute untill the controversy between the proprietors of the respective Governments shall be determined; And it is equally pleasing to us to have the concurrence of the Government here, in the Necessity there is to enquire & distinguish what Persons settled under the one Government or the other, and it would have been more so if the method proposed for that enquiry had also been approved off; But we should not be just to our own Sentiments of that Affair to change our Opinions for the reasons offered, for as the Lands on which those Inhabitants resided are at a great distance from hence, and there is a necessity not only of examining the Persons seated thereon, but perhaps others in the Neighborhood, relating thereto, before any just determination can be made in respect to them; we think it might be much easier & more speedily done near the place of their residence, by Commissioners appointed by both Governments to that end, than can be possibly done at this distance; besides, we are of Opinion if both Governments forbear to make any publick declaration of their respective claims to any particular Number of those Inhabitants, & the matter be referred generally to such Commissioners, they would act with greater impartiality than could be expected from those more immediately concerned in the Administration of either Government; And even altho' the method we propose were to take up more time than that proposed by the Government of Maryland, Yet we can forsee no great inconveniences that would arise from thence, provided care were taken by both Governments to preserve Peace amongst the Inhabitants during that time.

"*If, notwithstanding* what we have said upon this subject, the

Government of Maryland persist in their Opinion that the enquiry is to be made in the manner they propose, it is impossible for us to comply with it at this juncture, not being acquainted with those who settled on those Lands, under the respective Governments, nor have we it in our power to be informed thereof but by taking much longer time than will be proper for us to stay here; And therefore we must in such case communicate the proposal to the Government by whom we were sent hither, and let it wait their further directions. In the mean time it would be highly satisfactory to us, if the other Articles could be compleated, and that until this affair relating to the Settlements can be accomplished, it might be the care of this Government, as we are fully persuaded it will be of ours, to countenance no forcible actions, but to preserve the public Peace amongst the Inhabitants there.

"On the whole, if it be considered that had this Government been pleased to have answered the last letter of the President & Council of Pennsylvania by the return of the Post who brought it, as fully as now is done, we might have had fuller Instructions on the subject under Consideration, and, therefore, if any disappointment does happen, it cannot be attributed as a fault to any in our Government, nor give Governor Ogle any just cause to entertain doubts of the Sincerity of the Government of Pennsylvania, any more than of our Integrity and Candor.

"SAMUEL PRESTON,
"JOHN KINSEY,

"Annapolis, y^e^ 27th of the Month called May, 1737."

—

No. 4.

"Gentlemen:

"I am truly concerned to find by yours of yesterday's date, delivered to me this Day, that you think it impossible, either for want of proper Informations or any other Reasons for you to comply with my Proposals at this Juncture, and tho' I am unwilling such desirable Intentions for Peace should be in the least delayed, yet I must submit until you shall have communicated my just & reasonable Offers to your Government, who I doubt not will, if their repeated professions for Amity and good Neighborhood are sincere, give proper Powers & Instructions for perfecting the same in the manner I have before mentioned.

"SAM. OGLE.

"Annapolis, 28^th^ May, 1736."

Which Report and Papers therein referred to are continued under Consideration.

Upon application to the President, by him communicated to the

Board, for a Remission of the fines imposed at the late Quarter Sessions of the Peace held for the County of Philadelphia, upon Jane Lapelle for keeping a disorderly House & selling Liquors without being recommended & licensed according to Law, & upon Anthony Baker, for an Assault, both standing committed to the Goal of the said County; It is Ordered that they be released on their giving Bond, respectively, for the Payment of their Fines, the Woman finding Security in One hundred pounds for good Behaviour, & the Man undertaking forthwith to depart the Province, & never to return into it, or otherwise to be again taken up & remanded to Prison.

A Pctition of Jacob Chamberlin, of the Manor of Moreland in Philadelphia County, praying a Remission of the fine imposed on him at the said Court for keeping a Public House without being recommended & licensed according to Law, was read and rejected.

The Board deferred entering on the Consideration of the Criminals under Sentence of Death, till next meeting.

At a Council held at Philadia., June 23d, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell,
Clement Plumsted, Thomas Griffitts, } Esqrs.
Thomas Laurence.

The Minute of the preceeding Council being read and approved,

The Consideration of the Crimnals under Sentence of Death was resumed, and the Board being of Opinion that Catharine Connor, als. Smith, Henry Wildeman, & Joseph Bevan, are not proper objects of Mercy, the Woman having formerly been condemned for the like practices, but pardoned; Wildeman having likewise been taken up for a former Burglary, of which tho' he was not then convicted, yet litle Doubt could remain of his Guilt, & Bevans' Crime being very henious, to which he had added on his Trial the unjust Accusation of innocent Persons as Accomplices with him in the Fact, It is Ordered that Warrants, signed by the President, be issued for their Execution on Saturday the second day of July next ensuing. But the Board being inclined to spare the Life of Isaac Bradford, on Account of his Youth, yet that his Crime may leave a more lasting Impression on him, It is Ordered that his Name being inserted in the Warrant, he be carried with the other Malefactors to the place of Execution, and there receive a Reprieve, to be in like manner signed by the President.

At a Council held at Philadia., July 14th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Ralph Assheton, } Esqrs.
Thomas Laurence, Samuel Hasell, }

The Minute of the preceeding Council being read and approved,

The President acoquainted the Board that one William Neal having about a month since been apprehended here for altering some counterfeit Bills in imitation of those current in this Province, & on his Examination having declared that he received the same from one Benjamin Ellard, of New London, in the Colony of Connecticut, the Magistrates there had been applied to from hence, that Ellard might be taken up & examined, & they, by their Letter, inclosing a Deposition of Ellard & of one Thomas Davis, both which were now read at the Board, having signified that Ellard had frankly, and without the least Hesitation, acknowleged to them that he delivered the said Bills in a payment to the said Neal as true and genuine Bills of Pennsylvania, declaring at the same time that he received them as such from one Rowland Houghton of Boston, Merch^{t}: and paid him for the same, of which the said Davis was an Evidence. They therefore concluded Ellard to be intirely innocent of the fraud, and added, that this Houghton is the same person who made the plates by which a late paper Currency at Boston was struck. Whereupon the President proposing, and the Board agreeing, that a Letter on this Subject should be wrote to the Governor of the Massachusets Bay, a Draught prepared by the Secretary was read and approved, and the President is desired to sign, in behalf of this Board, a fair transcribed Copy thereof, to be transmitted by Day's Post. Which Letter is as follows:

Philadia., July 14, 1737.

"Sir—

"We, the Council of Pennsylvania, on whom, by the Death of the late Governor Gordon, the Administration of this Province is devolved, take the Liberty of applying to you in a Matter that not only nearly concerns this Government, but in its Consequences may affect others on the Continent with whom we have any Dealings or Intercourse.

"About a month since one William Neal was apprehended here for uttering some counterfeit Bills of Credit, in Imitation of those current by the Laws of this Province. Being examined he declared he had received them from one Benjamin Ellard, of New London, in Connecticut. Upon application made from hence to the Magistrates there, Ellard was taken up & examined, whose Deposition is inclosed, & by it you will perceive that the acknowledges the De-

livery of the Bills to Neal, but that he purchased them as true and genuine from one Rowland Houghton, of Boston, Merchant, about the latter end of August last, who, we are informed, is the Person that made the Plates by which a late Paper Currency at Boston was struck. We therefore request that you will be pleased to cause Houghton to be examined touching the Bills by him delivered to Ellard, one of which, with a genuine Bill for Distinction, we likewise send inclosed; & that you will direct a very strict Enquiry to be made, in Order, if possible, to discover the source of this Villany, & to prevent the further ill Effects of so pernicious an Attempt, whereby you will lay a very great Obligation on this Province in general, and on us in particular, who are,

"Sir,

"Your Friends and most humble Servants,

"In behalf of the Council,

"JAMES LOGAN, Presid^{t}

Addressed,

"To His Excellency Jonathan Belcher, Esq^{r} Governor of His Majesty's Province of the Massachusets Bay, Boston."

At a Council held at Philadia., July 19th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell, Thomas Laurence, Thomas Griffitts, Ralph Assheton, } Esqrs.

The Minute of the preceding Council being read & approved,

The Members to whom it was referred to examine the Accounts of money disbursed by the Provincial Treasurer on Indian Treaties, pursuant to the Order of this Board of the 16th of March last, made their Report this day in writing, subjoyned to a General Account now read, whereby the Balance due from the Province amounts to Two hundred forty-nine pounds, seventeen shillings & ten pence farthing. The Board approving of the said Report, do recommend to the Assembly that the Sum aforesaid be passed to the said Provincial Treasurer's Credit in his Accounts with the Publick.

The Consideration of the Petition of Durst Thome, in behalf of himself & others, presented and read at the Board the 16th of March last, being this day resumed, and the Collector of the Customs & Naval Officer of Philadelphia having had Notice thereof, the former being indisposed sent his Excuse, & the other attended, who, producing a Letter from the Commissioners of His Majesty's Customs at London, directed to them, the said Officers, bearing date the 15th

of February last, together with sundry other Papers relating to the Goods imported in the Ship Princess Augusta, Samuel Marchant Master, seized here and condemned in the Court of Vice Admiralty, and to which Claim is made by the Petition aforesaid, the said Letter & Papers were read, and it appearing that the Commissioners, to whose Direction all Matters of the kind are properly Subject, have given Orders for the Sale of the Goods so seized & condemned. The Board are of Opinion that they ought to take no further Notice of the Affair, & therefore the Petition is Dismissed.

At a Council held a Philadia., July 21st, 1737.

PRESENT:

The Hon^ble^ JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell, } Esqrs.
Ralph Assheton, Thomas Griffitts, }

The President acquainted the Board that Elisha Gatshell, Esquire, one of the Justices of Chester County, who a few Weeks since was attacked at Nottingham, by a party of the Maryland Garrison, & carried away Prisoner into Baltimore County, was come to town to give a Detail of the whole Matter before the Board, and is now attending for that Purpose. Mr. Gatchell being called in excused himself that he had not sooner waited of the Board, after his Return from Maryland, having for some time been so greatly indisposed by means of the cruel Usage he had received, as to render him unable to bear the fatigue of a Journey, and that still he continues very weak & infirm; he then proceeded to give a distinct & particular Narrative of the whole Affair, which having finished, and being withdrawn, The Board, on considering the matter as related by him, are of Opinion that he ought to give an Information of the whole upon his Affirmation, before one of the Provincial Judges, and that the Examinations should be taken of as many Persons as were present, or can give any Account of the Affair, that Warrants may be issued for apprehending the Rioters, if found within this Province, and as they may pretend to shelter themselves under the Authority of Maryland, that a Letter should be wrote to Governor Ogle demanding them to be delivered up to the Justice of this Government, & the President is desired to prepare a Draught to be laid before the Board.

At a Council held at Philadia., July 22, 1787.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Ralph Assheton, } Esqrs.
Thomas Laurence, Samuel Hasell, }

The President laid before the Board a Draught of a Lett Governor Ogle on the Subject of the Abuse offered to Mr. Gate which being read and approved, the President is desired to sign same when transcribed, in behalf of the Board, & to cause it forwarded to the Governor of Maryland by Express.

Which Letter as sent is in these Words:

"Sir,—

"We were in hopes that after your repeated Declarations sincere Desire, on your part, to establish Peace between the Inh tants of these two Provinces, such effectual Measures woul taken as should prevent the Necessity of any further Applica from us to you, for Redress of Abuses committed by persons u under your Authority against our People.

"But we have now unhappily an Instance of so unparalelle Outrage committed by Charlton, the Captain of your Garrison, four others of his Men, on the person of Elisha Gatchel, Esqr for many years past has bore His Majesty's Commission of Peace for the County of Chester, in this Province, that as we ca doubt but it must have reached you from the Information of your own Magistrates, who had Cognizance of it, so we would persu ourselves you could not hear it without the utmost Abhorren Detestation; And tho' so violent an Action could not fail of b soon noised throughout the Country, yet we were not willing to n in it till we could have a more full & circumstancial Account of whole from the Sufferer himself; but we find he was so bruised the cruel Usage he received that his Inability from thence, toge with the situation of his family Affairs, would not for some allow him to undertake the Journey, & therefore we saw him not yesterday, and now his Deposition, taken before one of our vincial Judges, which is corroberated to us by the further Evid of others, who were Eye Witnesses of the Action, will, by the closed Copy of it, give you so full a Narrative of the whole, there remains nothing further for us to say than that as you sensible common Right requires these men to be delivered up be prosecuted according to Law in the County where the Fact committed, we expect you will accordingly give your immed Orders for apprehending the said five Persons, to witt, John Cl ton, Joseph Parry, James Barrysford, James Dickson, & H Hamilton, if within your Command or claiming your protec and to cause them to be delivered to the Sherif of either Ch or Lancaster County, who have Authority to receive & take t

into Custody; as, also, that you will cause the Security, which Mr. Gatchel was compelled to give for the Recovery of his Freedom, to be vacated, since if what was alledged against him were even true, yet the Law would not justify your Commitment of him; and upon your Complyance herewith we have the more firm Dependence from your Letter to us of the 15th of April last, in which you are pleased to express yourself in these Words, 'I shall leave wholly to yourselves such as first settled under your Government, over whom you may exercise your Jurisdiction according to the Laws of Pennsylvania, & shall only look upon such to be Marylanders at present, as settled & held under this Government; and if any thing contrary to this shall be done by any of our People, you may depend upon my redressing all Injuries upon the least Application.'

"We have further to observe here, that your having declined to return us any Answer to either of our last two Letters, & your leaving on so unreasonable and impracticable a foot the Treaty of Pacification, for concluding which Messrs Preston & Kinsey attended you, allow us no Room to say any thing further on that Subject; but as we have good Reason daily to expect His Majesty's Directions in the Affair, which has for some time past been before him, it must certainly be most prudent in us, while we leave the whole of these Contentions to that Issue, to be strictly carefull, in the mean time, to preserve Peace & good Order amongst his Subjects respectively under our Care, nor can a Neglect of this Duty, which we so indispensably owe to our Sovereign, be justified or excused from any other Views or Pretences whatsoever.

"We send this by Express, whom you'l please dispatch as soon as you conveniently can with the necessary orders, and are,

"Sir,

"Your Friends and humble Servants,

"In behalf of the Council of Pennsylvahia,

"JAMES LOGAN, Presidt.

"Philadelphia, July 22, 1737.

"For His Majesty's Service,

"To the Honble Samuel Ogle, Esqr.

"Lieut. Governor of Maryland."

The Deposition of Mr. Gatchell, referred to in the foregoing Letter, and containing what he had given a verbal Narrative of at the preceeding Council, follows in these Words:

"Elisha Gatchell, Esqr. of East Nottingham, in the County of Chester, aged fifty-two years or thereabouts, one of the Justices of His Majesty's Peace for the said County, being one of the People called Quakers, on his solemn Affirmation, according to Law, saith: That on the twenty-ninth day of June last, being on his lawfull Business in Company with one Robert Blundell, at the House of Thomas Hughes, Tavern keeper in Nottingham aforesaid, distant

about two Miles from this Affirmant's own house, where he l
lived above these twenty-two years past, five Men on horseba
whose Names this Affirmant afterwards understood to be Jo
Charlton, called Captain, the Commander as 'tis said of the Ma
land Garrison, Joseph Parry, James Barrysford, James Dickson,
Hans Hamilton, armed some with guns others with Hangers
Swords, came to the said Hughes's about Sunsett, & calling
Beer, the Master of the House answered, that he believed they
not stand in need of Drink, that by their Manner of Appearance
took them for some of the Maryland Garrison, who had of late be
such Enemies to the Inhabitants of Pennsylvania, & wish'd them
ride on about their Business; but they dismounting & coming in
the House the Master lett them have some Beer, which while th
were drinking, Parry espying this Affirmant, asked him by
Name how he did, & presently after Barrysford laid hold of t
Affirmant by the Breast & swore he had a great Mind to carry t
Affirmant Prisoner into Maryland, whereupon the Affirmant e
quiring how they durst offer to treat him thus & what their Reaso
were for riding about the Country in Numbers thus armed,
charged them to keep the King's Peace or otherwise he would de
with them as a Magistrate & commit them; That Hans Hamilt
hereupon presenting a Gun to the Affirmant's Breast, swore he h
a great Inclination to empty it into him, this Affirmant, adding the
words: "God dann you and your Peace, and your Master too
This Affirmant told him that the King was this Affirmant's Mast
and such Language deserved Punishment; That the said Hughes
fusing to lett these People have any more Beer, they took Hor
and rode off about a Gun Shott from the House, where they dre
together & seemed to hold a Consultation, & immediately after th
all came back to the House demand more Beer, which being
fused them, they all dismounting rushed into the House, and layi
violent Hands on this Affirmant, they swore He should goe alon
with them; & this affirmant struggling to gett from them, t
Master of the House, his Wife, & the aforesaid Robert Blundel
endeavoured to interpose in this affirmant's behalf, but were beat
& used by the said five Persons, who swore they would kill an
who would attempt to deliver him, this Affirmant, out of the
Hands; That he, this Affirmant, continuing to make what Defen
he could, they pull'd him out of the House by the Hair of h
Head, but this Affirmant again getting into the House, the
dragg'd him from thence by Force, and commanded him to mou
a Horse, which this Affirmant afterwards understood they took aw
from Hughes's Door & belonged to one Joshua Litler, an Inhabita
of Nottingham, who had just alighted there. This Affirmant
fusing to mount, they threw him on the Ground, holding him
the Hair of his Head, by pulling which they wrung his Neck; th
then beat him on the Head with their fists, & on his sides with th
Hangers, one of which they broke upon him, & carried their
barbarity so far that the affirmant called out "Not to murder him,

was in their Power, why were they so cruel? if they intended to kill him to do it out right," & then by force they put him on the Horse, Hans Hamilton getting behind him to secure him, & one on each side riding with a drawn Sword or Hanger; That by this time it was almost dark, and the Affirmant was in this Condition carried about ten Miles to John Williams' Ferry on Sasquehannah River, which they crossed & afterwards went on to the House of one Nicholas Savor, about a Mile or two further, during which Journey they reviled & insulted this Affirmant in a very gross manner, telling him that they would make him a Maryland Justice, and he should live at Connejohelah (the place of their Garrison) & keep the Peace there. They further added, that they had some time since determined to take this Affirmant, for they had their Governor Ogle's Orders for it, and rather than have failed they would have taken this Affirmant out of his own House; That they keeped this Affirmant all that Night at Savor's, and next morning took him to a publick house kept by one Hickeson, where came John Copson, Esq^r^ one of the Provincial Judges of Maryland, to whom, as the nighest Magistrate of that Province, the aforesaid Thomas Hughes went of himself with all Dispatch as soon as he saw this affirmant carried off from his House; That the said Copson appeared to be very much offended with these Men for the violence they had offered to this Affirmant, & demanded by what Authority they had taken him; they answered they had Governor Ogle's verbal Orders for it, to which the said Copson replied that he believed they told a gross Lie, for he could not think Governor Ogle would give such Orders. They said that he, this Affirmant, had expressed himself disrespectfully of Governor Ogle, threatening to lay him, the said Governor by the heels, if he were in the Affirmant's Power, which Expression this Affirmant then declared, & now does solemnly declare to be entirely false; That the said Copson then told this Affirmant that he would discharge him & bind over those who had taken him to answer for their Proceedings; but one Nathaniel Rigby, a Justice of Peace of Baltimore County, coming in & hearing what the said Copson intended, told him that an Information was taken, in the presence of Governor Ogle, before him, the said Rigby, against this Affirmant, charging him with several disrespectfull Expressions of Lord Baltimore, and that he, this Affirmant, had said his Lordship was gone to France & would not answer the Bill exhibited against him in Chancery by the Proprietors of Pennsylvania, and therefore the said Rigby insisted this Affirmant ought not to be discharged; Whereupon this Affirmant was held to Bail for his Appearance at the Provincial Court of Maryland, the third tuesday of next October, and one John Hammond, Esq^r^ and Jacob Giles, entering into Security, they in Fifty pounds each, and this Affirmant in One hundred Pounds, he was sett at Liberty; That the Judge likewise bound over Charlton and his Associates, by taking their own Recognisances, to appear & answer for their Proceedings; That this

Affirmant gott home next day with much difficulty and under great Pain from the Blows & Bruises he received, which so affected him, that when on Horseback he scarce could draw his Breath without great Uneasiness, & much of the same Pain still continues, and he doubts will do so during his Life, and it was for this Reason that he, this Affirmant, could not sooner undertake a Journey to Philadelphia.

ELISHA GATCHELL.

The aforegoing Affirmation was this twenty-second day of July, 1737, taken at Philadelphia, before me, Thomas Grame, Esq^r^ one of the Judges of the Supreme Court of Pennsylvania.

THO. GRAME.

At a Council held at Philadia., August 9th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell, Anthony Palmer, Thomas Griffits, Ralph Assheton, } Esquires.

The Minutes of the two preceeding Councils being read and approved,

The Secretary informed the Board that the Express to Maryland being returned, gave account that Gov^r^ Ogle was gone to Virginia, whose return being uncertain, the Express after waiting two days at Annapolis, had delivered the Letter he was charged with into the hands of a Gentleman of the Governor's Household.

Came in, Clement Plumstead, Esq^r^

The Assembly having mett last night pursuant to their adjournment, the President acquainted the Board that he had this morning received a Message from the House by two Members notifying their Meeting, and that if the Board had any thing to lay before the House that may contribute to the Peace and Prosperity of the Province wherein their Concurrence might be necessary, they were ready to receive it. Whereupon the President representing that he conceived it very proper that the House should be now informed of the Steps taken by our Proprietaries in England for the Appointment of a Lieutenant Governor, with what had ensued thereon, and likewise of the Pains taken since the last meeting of the House to procure an Accomodation of those unhappy Differences subsisting between this Government and that of Maryland, and the Board judging a a Message of this Nature necessary, the President laid before the Board a Draught he had prepared, which being read was, with some small alterations, approved; and It is Ordered, that the same being transcribed and signed by the President be carried down to the

House by the Secretary with the several Papers therein referred to. Which Message is as follows:

"Gentlemen:

"'Tis now a full year since, by our late Governor's Decease, the Powers of Legislation in this Province became suspended. That these might be fully restored to us our Proprietaries in England without Loss of time proceeded to another Appointment, and chose a worthy Gentleman of an advantageous Character to succeed as their Deputy; yet no sooner was His Majesty applied to, as the Law directs, for His Royal approbation, than that unkind Disposition of a neighboring Government of which we have for some years, and this last more than ever, felt the barbarous Effects, was so far exerted in England also, that a Petition from that Quarter was preferred to the King in Opposition to that Approbation, but with so little Success that upon a Hearing before the Board to whom it was of Course referred, their Determination, as we have been assured, was wholly in our Proprietaries Favour. These Transactions, therefore, having passed in May last, we have Reason to hope for that Gentleman's happy Arrival in some few Weeks amongst us.

We are likewise to acquaint you that about the same time this application was made to His Majesty, our petition sent over in December last was also presented and referred; and tho' we are not as yet informed of the Issue, yet we cannot reasonably doubt but the Governor may bring with him such Instructions as may restore to His Majesty's Subjects on our Borders the Enjoyment of that Peace to which they have a native right, but have of late been most injuriously deprived of.

"Of the further Steps that have since your last Meeting been made on our part to procure this Peace by sending one Member of our Board and another of your House to the Governor of Maryland, in order to bring our Treaty with him on that important Subject to a period, and of the Pains that have been taken therein, you may be fully apprized by the several Papers that then passed which the Secretary will lay before you. He will also communicate to you our last Treaty with the Six Nations in this City, with which we think 'tis necessary you should be acquainted.

At a Council held at Philadia., August 10th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell,
Clement Plumsted, Thomas Griffitts. } Esqrs.
Ralph Assheton,

The President acquainted the Board that he had lately received

from the Honble the Proprietor, sundry Papers of such Importanc as to be very proper for their Cognizance, and laying before them Letter addressed to the Proprietor from the Honble George Clark Esq^r^ Lieutenant Governor of New York, inclosing an extract o some Transactions at Albany with the Six Nations on a late Treaty that Governor had held with them, the same were read, & give an Account that the Mohocks (by us called the Canyingoes) deputed two of their Sachims to speak to Mr. Clarke in private, and had acquainted him that the Shawanese Indians on Sasquehannah River, to the Number of one hundred & thirty, having heard that the Cayoogoes and Sinnakas had lately sold to our Proprietors the Lands whereon those Shawanese live, they had sent a Belt of Wampum to the french Indians settled at Tuchsaghroudie, desiring Leave to live among them, who had consented to their Request, and assured them that they with a Number of french would on the first Notice of their March meet them with Provisions and conduct them to their Country. Whereupon Mr. Clarke had been so kind as to interpose his good Offices, and in his Speech to the Six Nations had recommended to them that they should use their utmost Endeavors to prevent the Removal of the Shawanese, since it would prove so considerable a Diminution to their own Strength; and those Nations had accordingly undertaken to do all in their Power to divert the Shawanese from settling amongst the French.

The President then laid before the Board a Message to our Proprietor from the Chiefs of the Shawanese at Allegheny, accompanied with a String of Wampum, which being read is in Substance, that they are strongly solicited by the French, whom they call their Fathers, to return to them; that every year they send those Indians some Powder, Lead, and Tobacco, to enable them to withstand their Enemies, the Southern Indians, by whom they have often suffered, & were last year attacked in one of their Towns; that they are gott so far back that they can goe no further without falling into their Enemies' hands or going over to the French, which they (the Shawanese) say they would willingly avoid; that if they should return to Sasquehanna, as this Government has often pressed, they must starve, litle or no Game being to be mett with in those parts and therefore as our Brethern and Allies, with whom a Friendship had been established by the Treaty held between their King Opeth alias Opessa, and our first Proprietor, they request that we will furnish them with some Arms and Amunition for their Defence against their Enemies, and to secure their Continuance at Allegheny

Upon considering what the Sachims of the Mohocks had represented to Mr. Clark, It was observed that the Claim of the Shawanese of Sasquehannah to those Lands lately released to our Proprietors is entirely new and without any manner of Foundation those Indians having never before made the least Pretensions of the kind; that they were at first admitted into this Province about for

years since at the Desire of the Connestogoe Indians, who becoming engaged for the good Behaviour of those Strangers, they were suffered to settle amongst them, & had so continued till of late years; that for the benefit of Hunting they had removed to a greater Distance, & some of the Nation are now settled above Shamokin on Sasquehannah, & the greater Number at Allegheny, who are those from whom the Proprietor received the aforesaid Letter, On the Subject of which it was also remarked, That for these several years the French have been endeavouring to gain those Indians for preventing which they were invited, by Messages dispatched to them in the Winter 1731, to return to Sasquehannah, where a large and convenient Tract was laid out for their Accomodation. Some of their Chiefs came the year after, with whom this Government renewed their Treaty of Friendship, & they returned in all Appearance highly satisfied, which their Messages since have also confirmed; That tho' it might be very improper, on this last Message from them, to send Powder & Lead because they have thought fitt to ask them, yet as the Practices of the French on those Indians, if successfull, may prove extremely prejudicial in case of a Rupture with France, all possible Means ought to be used to prevent their Defection and to keep them attached to the British Interest; And as they appear to be in some Dread at present of their Enemies, the Southern Indians, between whom & all those to the Northward a Peace is now mediating by the intercession of the Governor of Virginia, the present Juncture may be a very proper one for inviting the Chief Men of those Shawanese to visit us & renew their Treaties with us, & likewise for concerting such other Measures as may be most expedient. The Board are therefore of Opinion that a proper Message, accompanied with a small Present within Ten pounds Value, should for this End be dispatched by the first convenient Opportunity to those Chiefs, and it is Recommended to the President to order the same accordingly.

At a Council held at Philadia., August 12th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esquire, President.

Samuel Preston, Samuel Hasell, Clement Plumsted, Thomas Griffitts, Ralph Assheton, } Esquires.

The Minutes of the two preceeding Councils being read and approved,

A Message from the House, in answer to that from this Board of the 9th instant, having been last night delivered to the Presi-

dent, was by him now laid before the Board, & being read is in these Words:

"The Answer of the House of Representatives to the Message from the President and Council, of the 9th instant.

"May it please the President & Council:

"A Government so well qualified and circumstanced as to be in a Condition to do whatever may be necessary for its Support and honourable Administration, is no doubt most preferable. It can't, therefore, but be agreeable to hear we are again like to be in a Condition, by the Accession of a new Governor, and especially a Person of Worth and Honour, to do such Acts of Legislation as may be of real Service to this Province.

"After the unreasonable and repeated ill Usage Pennsylvania has mett with, especially of late, from the Government of Maryland, and the Cruelty exercised by their pretended Authority upon many of our peacable Inhabitants, any Attempt here or elsewhere from that Quarter to defeat our best Purposes, and to render us uneasie, is the less surprising. But it is a great Satisfaction for us to hear that the Opinion of those appointed by his Majesty to take Cognizance of that Affair appears to be in our Favour, and we hope for the like happy issue upon our Petition now lying before his Majesty.

"We have perused the Papers you were pleased to lay before us, and do acknowledge the great Pains you have taken in endeavouring to put a Stop to the Violences committed within those Parts of this Province lying near Maryland, and tho' those Endeavours have proved ineffectual, we are nevertheless sensible of your Care for the Peace of the Province; and we, on our parts, at the same time, think it our Duty to do what is just and reasonable for the Support of the Administration.

"As to the Indian Treaty delivered to us by the Secretary this Day, we take the Liberty to say, That as we have annual Assemblies and frequent Sessions of Assembly in one Year, we are of Opinion that the House of Representatives ought to have been made acquainted with the Nature and Necessity of that Treaty, before so great a Sum of Money had been drawn out of the Treasury upon that Occasion without the Consent of this House, by whose Order only the publick Money of this Province is to be disposed of.

"Signed by Order of the House,

"A. HAMILTON, Speaker.

"Philada, Aug. 11th, 1737."

On the latter part of which Message it was remarked that the Governor & Council having been, by a Law that continued for several years, Authorized to apply a certain Sum of the Publick Money

towards defraying the Expences arising on Treaties with, and Messages to and from the Indians, the Assemblies, ever since the Expiration of that Law, being sensible of the Necessity of continuing the same prudent Methods for establishing and preserving Peace with all the Native Indians, had never objected to the Board's calling upon the Treasurer to advance such sums as from time to time, according to the particular Exigencie, they had judged proper for the publick Service, Accounts whereof had been constantly laid before the House; that not only many great Inconveniences might ensue, but it would become wholly impracticable to carry on those Treaties if they are not to be proceeded upon, or Money advanced, till the House of Representatives (as is now urged) are first made acquainted with the Nature and Necessity of them, and therefore the Board are of Opinion that this Matter ought to be properly represented to the House.

The President then informed the Board that the House had taken some Umbrage at certain Expressions in the late Indian Treaty laid before them, ordering and directing the Provincial Treasurer to pay certain Sums therein mentioned, the same being construed as interfering with the Power of the House in the Disposal of the Publick Money; that the Speaker had waited of the President with the Treaty and pointed out the parts objected to, which being now considered of by the Board, It was agreed, for the Satisfaction of the House, to alter the Expression thus: Instead of these words, concluding the Minute of the 4th of October, *which Sums the Provincial Treasurer is hereby directed to pay, to say, And that the Provincial Treasurer advance the said Sums.* To leave out entirely these Words, concluding the first Paragraph of the Minute of the 12th of October, *And the Treasurer is directed to pay the same,* the Sense being compleat without them. Instead of these concluding Words in the next Paragraph of that Minute, *And that the Provincial Treasurer pay the said Sum,* to say, *and the Provincial Treasurer is desired to provide the same.*

Upon reading a Petition of James Le Torts, praying an Allowance for sundry Services on Indian Affairs, mentioned in an Account of sundry blank Articles to the said Petition annexed, It is left to President, to whom the said Services and the Value of them are best known, to recommend the same to the Assembly in such manner as he shall think most proper.

"A Petition of the Secretary was presented to the Board and read, setting forth that a full year is now elapsed since the Administration of the Government devolved on them, in which time, from the Multiplicity of Affairs that have come before the Board, relating chiefly to the unhappy Differences with Maryland, no less than seventy-one Councils have been held, all of which the Minutes, many of a considerable Length, have been taken by the Petitioner, & a great Number of Letters, Papers, and other Writings have

passed, as by those Minutes may appear. That pursuant to Direction the Petitioner hath from time to time prepared exemplified Copies and Duplicates, under the Great Seal, of all the said Several Letters & Papers, which, in support of the just Claim & Authority of this Government, have been transmitted to the Agent in England. That by far the greatest part of the Petitioner's Time for this last year hath been wholly taken up in the Attendence of the Board & the Dispatch of those Affairs there transacted, as by an Account with the said Petition exhibited may appear. That the Allowance which for some years past has been made to your Petitioner, as Clerk of the Council, is so very small & unequal to the Service, that in some of those years it would scarce pay a Servant, even at low Wages, for his Labour in Writing only, and therefore praying that the Board would be pleased to order the said Account to be examined, and a Quantum Meruit for the Services therein mentioned (as they are not by Law regulated) to be fixed; and that the Board would be further pleased to recommend to the House of Representatives now sitting, to allow the Petitioner a Recompense adequate to his Trouble as Clerk of the Council. Whereupon, It is Ordered, that Ralph Assheton, Samuel Hasell, & Thomas Griffitts, Esq^rs be a Committee to examine the said Account, estimate the Services therein specified, & report the same to the Board.

At a Council held at Philadia., Augt 18, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell, } Esqrs.
Ralph Assheton, Thomas Griffitts, }

The President laid before the Board the following Message, brought up to him last night from the House, and acquainted the Board that the Alterations in the Indian Treaty not proving Satisfactory to the House, had, as he understood, occasioned the said Message, Which being read, is as follows:

"A Message from the House of Representatives to the President & Council.

"May it please the President & Council:

"Upon reading the Indian Treaty delivered in at the Table by the Secretary yesterday, by Order of your Board, the House observes with great Concern that your Board have, without the Order or Consent of the Assembly, directed several Sums of Publick Money to be paid by the Provincial Treasurer, for defraying the Charges of Indian Treaties, which we humbly conceive you have no Right to do, because as well by the constant Usage of this Province as by the

Authority of the several Acts of Assembly, by Virtue of which the Treasurer is impowered to receive the said Money, the Disposal thereof is wholly in the House of Assembly; And as it is well known that the House of Representatives have from time to time, with great Readiness, Ordered the Payment of such Monies as have been advanced upon occasion of Indian Treaties, when the same has appeared to them to be for the Service of the Province, we cannot without Regret observe an Attempt made to anticipate our Allowance of the Indian Accounts by your Directing the same to be paid out of the Publick Stock, without the Order or Consent of this House.

"But as we hope the Expressions used for that Purpose in the Treaty are rather owing to some oversight than any Design, the President and Council had to claim a Right to the Disposal of the Publick Money; We humbly propose that those parts of the Treaty relating to the Payment of any Money by the Treasurer be wholly left out, as things that make no Part of the Treaty. If the President and Council cannot agree in Opinion with this House, We are desirous of a Conference with your Board to-morrow Morning at Nine a Clock, at such Place as you shall please to appoint.

"Signed by Order of the House,

"A. HAMILTON, Speaker.

"6 m^{o} 12, 1737."

Whereupon the following Message having been prepared, to save time, by the President, the same was read, and being approved, was transcribed, signed by the President, & ordered to be carried down to the House by the Secretary.

"Gentlemen:

"No Language in the last Indian Treaty laid before your House could give you so great a Concern as your Misunderstanding of our Intentions proves to us, which we conceive might have easily been prevented if you had sufficiently observed that the Expression in the Recommendation of the Treasurer's Accounts fully submits the whole, as the Law directs, to your House, and as we cannot be supposed insensible of this Direction of the Law in the Disposal of the Publick Money, we assure you it was never in our Thoughts to assume or claim any Power inconsistent with the same; But when Money is to be immediately advanced, since this must be done by somebody, and these Charges being expended solely for the Publick Good, have in that Light been always allowed by the Assemblies out of the Publick money, therefore a Call on the Treasurer to advance it was so natural that to express this was unavoidable; For it cannot be expected the Treasurer should part with any of the Money in his Hands without having something to show for it. Upon the whole we cannot forbear observing to your House that as both you and we can, by our several Engagements, have nothing

but the common Interest & the Good of the Publick in View, it has ever been found by Experience that nothing more effectual contributes to this in Government than a due Harmony between a the Parts of it, it is our earnest Desire that every thing interferin with this may be most carefully avoided; And tho' we cannot s any Inconveniency in an Expression directing the Treasurer, i whose Hands the Money lay, to make the Payments that the Ex gency of the Affair at that time required, yet as you desire that i the last Treaty with the Indians laid before you, all those Direction may be left out, for your Satisfaction we have ordered it so accord ingly; But request that your House would so far consider th Nature of such Transactions that those who can have no Interest o their own to pursue, but freely give their Attendance for the Benefi of the Publick, may not be laid under such Difficulties as may ren der the carrying on those Affairs, intended solely for the commo Utility, wholly impracticable."

The Committee to whom it was referred to examine the Accoun of the Secretary, exhibited with his Petition, & to make an Esti mate of the Services therein mentioned, reported that upon Inspec tion of the several Papers and Writings, they had made a Calcula tion of the said services, amounting to upwards of Eighty pounds, exclusive of the Fee of half a Crown by Law given on each War rant for affixing the Great Seal, & besides the Allowance which ought to be made to him for his extraordinary Trouble this year as Clerk of the Council, but being willing to reduce those Calculations to even the very lowest Rate, that the Assembly might have Room to increase it, they, the said Committee, had agreed on the following Report, in Writing, which was read in these Words:

"By Direction of the President & Council, We have viewed & considered the Account exhibited by the Secretary, & as from our own Attendance in the very many Councils of this last year, We are Witnesses of the great Labour & Pains that have been taken in the public Administration, We are sensible that his part in the Writing has been vastly Laborious, not only on the Originals, but the many Exemplifications & Duplicates of these drawn out and certified, to be sent to the Agent in England, several of which tak up many Sheets, as we have observed by the Originals remaining in the Office. Particularly we observe that there are above thirty War rants for the Great Seal to Exemplifications, most of which contai many Sheets, as comprizing a considerable number of Copies pu together under the same Certificate. And we are of Opinion, upo the whole, without being able to rate each Particular or Articl that no Person in Philadelphia, at the rate paid to common hir Writers by the Day, would do the same for fifty pounds. As to h Services as Clerk of the Council, the Assembly can be at no Loss Judge how far the business of this year has Exceeded whatever h

been known before, And we cannot but observe that the common Allowance at any Time has been extremely small.

"RA. ASSHETON,
"SAM. HASELL,
"THOMAS GRIFFITTS.

"Philadelphia, 13th 6 Mo. 1737."

And the Board approving thereof, It is Ordered that the Secretary deliver the same to the House, together with his Account.

At a Council held at Philadia., August 26th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell, Thomas Laurence, Thomas Griffitts, Ralph Assheton, } Esqrs.

The Minutes of the two preceeding Councils being read and approved,

The President acquainted the Board that in the evening of the thirteenth instant, when the House adjourned, he received an Order which he now produced, for six hundred pounds, and the same being read, is in these Terms: "Augt. 13th, 1737, pay into the hands of James Logan, Esqr. President, the Sum of Six hundred pounds, towards defraying the extraordinary Charges which arisen in the Administration of the Government this year, by the many & chargeable Messages & Treaties for obtaining Peace, & the Relief of our innocent Inhabitants.

"Signed by Order of the House,
"A. HAMILTON, Speaker.

"To SAMUEL PRESTON, Esq., Provincial Treasurer."

Touching which Order the President said he would hereafter speak further.

He then laid before the Board a Letter from Governor Belcher, inclosing a Declaration of Rowland Houghton, confirmed by those of John Seton & Benjamin Bagnal, in Answer to the Letter from this Board touching the counterfeit Bills for which William Neal had been apprehended here, and it appearing that Houghton is innocent in the Matter, having received those Bills and paid for them as true & genuine, from one Susannah Buckler, a Person who had been guilty of several gross Impositions on the People of New

England, but is since gone to Britain. The Board conceive the A fair cannot be further traced.

Then was read a Letter from Governor Ogle, received this mor ing by the President, in these Words:

"Gentlemen:

"Although you might very justly entertain the most assure Hopes from my repeated Declaration of a truly sincere Desire o my part to establish Peace between the Inhabitants of these two Pr vinces, of every effectual Measure in my Power to that End, ye you must be sensible no reasonable Expectation could be had c any Success from my earnest Endeavours, and Wishes, unless th Powers of both Governments had co-operated to the same goc Purpose, And I wish I had not too much Reason to think the lit Effect of my pacific and amicable Overtures proves more agreeab to your Dispositions than mine.

"I must own my Surprize when you talk of 'my leaving on unreasonable and impracticable a foot the Treaty of Pacification, f concluding which Mess^rs Preston and Kinsey attended me.' If, i deed, the unreasonableness & Impracticableness are to be judg according to your Views and Inclinations, perhaps you may be the Right; But if it was reasonable to insist That Peace and go Neighborhood (which you pretended to desire) should be immec ately, and without Loss of time, settled between us, And if might be supposed practicable, that Those Gentlemen who we sent on purpose, with the fullest Powers and Authorities, should the Peace and with the Person they were sent to negotiate and co clude what they had in Commission to transact, Then perhaps yo may be mistaken in your Opinion of my leaving that Treaty on a unreasonable & unpracticable foot; But, on the contrary, you ma appear not to have been in earnest when you gave those two ve worthy Gentlemen the Trouble of coming to Annapolis, which Pr ceeding allows me as little Room as it does you to say anythi further on that Subject, especially since I have at least equal go Reason with yourself to expect his Majesty's Directions in the Affairs which have passed during our Administrations.

"I have not as yet made y^e full Enquiry Intend into the stance you stile of an unparalled Outrage on the Person of M Gatchell, who I am sufficiently authorized, by many Instances his Behaviour, to reckon a turbulent seditious Disturber of the g Harmony which ought to subsist betwen the two Provinces, A therefore I cannot give the fullest Credit to what he relates of own Sufferings; But as soon as I can make myself thoroughly prized of the fact, and all its Circumstances, you may be assure finding me not less ready than yourself on the like Occasions,

giving all proper Orders for preserving Peace and Tranquility between the two Provinces. I am,

"Gentlemen,

"Your most Obedient humble servant,

"SAM. OGLE.

"Annapolis, 16th August, 1737."

Addressed,

"To the Honorable James Logan, Esq^r President, and the Council of the Province of Pensilvania."

Which Letter is continued under Consideration.

Upon occasion of a late heinous Crime committed by a Negro Man, in willfully setting on fire a dwelling House in the township of Bristol, within the County of Philadelphia, the Necessity of issuing a new Commission for the Tryal of Negroes was represented to the Board, the former Commission, wherein Thomas Laurence & Charles Read, Esq^rs are assigned Justices for this Effect, being useless by the Death of the last named Gentleman; Whereupon William Allen, Esquire, was named in the room of Mr. Read, & a blank Commission having been prepared by the Secretary, the same was filled up with the Names of Thomas Laurence & William Allen, and signed at the Board.

At a Court held at Philadia., September 3d, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell, } Esqrs.
Ralph Assheton, Thomas Griffitts, }

The President acquainted the Board that pursuant to the Commission issued at the preceeding Council, the Justices therein assigned, with six Freeholders, had proceeded to the Tryal of the Negroe Man, for wilfully setting on fire a Dwelling House, that the Negroe confessed the Fact and received Sentence of Death to be this day executed, but the Prosecutor having been deficient in the Prosecution, & tho' furnished with sufficient Proofs to show the wicked Disposition of the Criminal, his Malice, & threatened Resentments against the Owner of the House, & the Person who then lived in it, together with the Criminal's former bad Character, yet resting the whole upon his own Confession, some of the assistant Freeholders who satt on his Tryal, had from thence been led to make an Application to him, the President, in favour of the said Negroe; and the President hereupon representing that he himself being Owner of the House that was burnt down, is by this Application laid under some Difficulty, lest, on the one hand, a Disregard to

it may be imagined to proceed from the Injury and Loss he himself has sustained, while on the other hand, a Compliyance with their Request in suffering so henious a Crime to pass unpunished, cannot but be attended with many ill consequences, more especially as the insolent Behaviour of the Negroes in and about the city, which has of late been so much taken notice of, requires a strict hand to be kept over them, & shows the Necessity of some further Regulations than our laws have yet provided. The Board, on considering the Matter, are of Opinion that so daring a Crime ought not to pass unpunished, yet being willing to pay some Regard to the Application that has been made, It is Ordered, that the Execution of the Negroe awarded for this day be respited for three Months, that is to say, to the third of December next ensuing, and the President is desired to sign a warrant for staying the said Execution accordingly.

At a Council held at Philadia., September 12th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Clement Plumsted, Samuel Hasell, Thomas Laurence, Thomas Griffitts, Esqrs. Ralph Assheton,

The Minutes of the two preceeding Councils were read and approved.

Upon the President representing to the Board that a venire had been issued by Jeremiah Langhorne and Thomas Grame, Esq^rs Justices of the Supreme Court, returnable to-morrow, for the Tryal of Sundry Persons now in Goal in the County of Bucks for Capital Offences, but that the last-named Gentleman is at this time so greatly indisposed as not to be able to attend the Service, a special Commission of Oyer & Terminer, which had been prepared by the Secretary, was now filled up, associating unto the said Supreme Justices William Biles, Joseph Kirkbride, Jun^r and Mathew Hughes, Justices of the Peace for the said County, and assigning any three of them, Mr. Langhorne or Mr. Graeme being one, Justices for the Tryal and Goal Delivery aforesaid, Which Commission being signed by the President & Members present, is ordered to be forthwith sealed & sent into the said County of Bucks by the Clerk of the Supreme Court, who is setting out thither.

PROVINCIAL COUNCIL.

At a Council held at Philadia., September 27th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston,	Samuel Hasell,	Esqrs.
Clement Plumsted,	Thomas Griffitts,	
Thomas Laurance,		

The Minute of the preceeding Council being read and approved,

The President laid before the Board a Letter he had received om the Governor of Virginia, bearing date the third instant, by hn Mundell, a special Messenger, sent Express to receive from ncaster Goal two Persons who had committed a Murther in ange County, in that Colony, and to bring them to Williamsburg rder to their Tryal, which Letter further gives an Account, that Messenger sent to the Cherikees and Catawba Indians had, in a ter just then received, informed the said Governor that at the y time the Messenger was treating with them, the Northern ians or Six Nations had killed three of the Catawba Nation, five of their Horses, as they were returning from Hunting, and ing had eight more of their Men killed since April last, they so exasperated that they will hearken to no terms of Accomo- on, at least till they have their Revenge; but the Cherikees ng fortunately found Means to fall into a friendly Conversation a party of the Six Nations, had sent with them Deputies to ude a Peace for themselves, and it being probable that in their they may pay a visit here, the Governor of Virginia having them sensible how much they owe to the friendship of this nment, he therefore recommends them to its further Favour, curing for them a good Correspondence with the Indians of ovince, as the likeliest Method to facilitate a Peace with the tions, and as it may prove a good Step to induce the Catawba to pacifick Measures. The Board hereupon thinking it ne- that a Message should be sent to the Six Nations to acquaint th what had past, and to advise them to establish a firm tween them and those Cherikees & Catawbas, the following drawn up by the President, was by him laid before the id being read & approved, is Ordered to be forwarded by Weyser, now in town.

Proprietor, Thomas Penn, and the Council of Pennsyl- l their Salutations to their Brethren of the Six Nations, us:

n as our trusty Friend and Interpreter, Conrad Weyser, st Spring to Philadelphia, and brought us an Answer rethren to the Message he carried to them, with a Belt, tion of their agreeing to a Cessation of Arms with their the Southward, the Cherikees and Catawbas, for one

year, We immediately sent a Letter to the Governor of Virginia to acquaint him with it, and to desire him forthwith to send a Message to those Southern Indians, to require of them that they should for the same time forbear all Hostilities against the Six Nations and all their People, until they should mutually treat with each other in order to settle a Peace between all these Nations; accordingly the Governor of Virginia sent his Messenger to the Cherikees and Catawbas, & many days after received an Answer from them, which Answer he has sent to us, and it is this:

"That while his Messenger was treating with the Catawbas some of the Six Nations killed three of their Nation, the Catawbas, and five of their Horses, as they were returning from Hunting, and had, also, before killed eight of their Men since April last (that is since their Corn was planted), and therefore they could not hearken to any treaty of Peace at least till they were revenged for this Action. But the Governor of Virginia further said in his Letter that the Cherikees, having fallen into a friendly Conversation with a Party of the Six Nations, had sent with them Deputies to conclude a Peace for themselves.

"This is the Answer we received a few days since, and we thought it proper immediately to send Notice of it, by Messenger on purpose, to our Brethren of the Six Nations, that they may know of this Refusal and the Catawba's intention to seek Revenge, that they may not be surprized, for we think ourselves concerned to acquaint our Brethren of every thing that may relate to their Safety, or expose them to any Hazard or Danger, for so it becomes friends to act by each other.

"But we further most earnestly desire our Brethren the Six Nations to use their utmost Endeavours to settle a Peace with those Southern Indians, for they may clearly see that by their Wars they only lessen their Numbers and weaken themselves, and render themselves less able to defend their Country, their Women and Children, against Enemies who may hereafter attack them; They know, and we grieve to see that their Numbers are much lessened within these twenty years, and if they proceed to send out their young Men against People that live at so great a Distance from them, they will still continue to lose more and more, for the hazards they run are great, and yet the destruction of a hundred Enemies at a distance adds not one Man to themselves; this we earnestly desire our Brethren to consider. We advise them as their true friends, and if they take our Advice they will themselves find the advantage of it.

"Signed in behalf of the Propr^s & Council,

"JAMES LOGAN."

At a Council held at Philadia., October 4th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston,	Ralph Assheton,	Esqrs.
Anthony Palmer,	Samuel Hasell,	
Clement Plumsted,	Thomas Griffitts,	
Thomas Laurence,		

Returns of the Elections of Sherifs and Coroners throughout the Province for the year ensuing, being made, the following Persons were appointed to those Offices:

For Philadelphia City & County, Joseph Brientuall & Isaac Leech being returned for Sherifs, & Owen Owen & David Evans for Coroners, Joseph Brientuall is appointed Sherif, & Owen Owen Coroner.

For the County of Bucks, John Hart & Charles Biles being returned for Sherifs, and William Atkinson and Jonathan Wollston for Coroner, John Hart is appointed Sherif, and William Atkinson Coroner.

For the County of Chester, John Owen & John Wharton being returned for Sherif, and Stephen Hoskins and Evans Ellis for Coroner, John Owen is appointed Sherif, and Stephen Hoskins Coroner.

For the County of Lancaster, Samuel Smith & James Mitchell being returned for Sherifs, and Michael McClare & William Caldwell for Coroners, Samuel Smith is appointed Sherif, and Michael McClare Coroner.

And Commissions are ordered to them accordingly, the Sherifs giving Security as the Law directs.

At a Council held at Philadia., October 7th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Thomas Laurence,	Samuel Hasell,	Esqrs.
Ralph Assheton,	Thomas Griffitts,	

Whereas, a Petition of sundry Inhabitants of the County of Lancaster was presented and read at this Board the 25th day of January last, setting forth the Want of a high Road from the town of Lancaster to Coventry Iron Works on French Creek, in Chester County, & praying that proper Persons of each County may be appointed for laying out the same from Lancaster town aforesaid to the said Iron Works, forking the said Road near to the Plantation of Widow Roberts, to lead to a new Furnace on the said Creek

called Redding's Furnace, and from thence into a Road lately laid out from the yellow Spring to German's Mill, & from thence into the Conestogoe Road; which Petition having been referred for further Consideration, the same was this day resumed, and a Draught of that part of the Country thro' which the Road petitioned for is to pass having been laid before the Board, they are of Opinion that it may prove greatly to the Conveniency & Accomodation of the Inhabitants in those parts, who are now entirely destitute of a Public Road, to grant the Prayer of the said Petition with some necessary Alterations. It is, therefore, Ordered, that Thomas Edwards, Jacob Bear, Emanuel Carpenter, Hans Graaf, Simon King & John Mendenhall, of the County of Lancaster, or any four of them, do view and lay out a high Road from the most convenient place of the Road leading from Lancaster town to Philadelphia, as streight and commodious, and with as little Damage to any private persons as may be, to the Division Line between the Counties of Lancaster & Chester. That William Moore, John Parry, junr, Humphrey Lloyd, Evan Davis, Thomas Green, & William Pim, of the County of Chester, or any four of them, do then and there joyn the beforenamed Persons of Lancaster County, and a Majority of all the said Persons, or of eight of them, agreeing on the most convenient Passage over the said Division Line, do continue the said Road to the Iron Works on french Creek aforesaid, forking the said Road at the most commodious Place between the Division Line aforesaid & the said Iron Works, to lead to the new Furnace called Redding's Furnace, & from thence into the most convenient established Road leading to Philadelphia. And that of the said Road, to be laid out by Course & Distance, they the aforenamed twelve Persons, or eight of them, with a Draught thereof, make Return to this Board in order to a Confirmation.

At a Council held at Philadia., October 14th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Ralph Assheton, Clement Plumsted, Thomas Griffitts, Thomas Laurence, } Esqrs.

The Minutes of the three preceeding Councils being read & approved,

The President taking Notice that this being the Day for the meeting of the Representatives of this Province in Assembly, desired the Board to consider whether any thing occurred proper to be laid before the House. Whereupon, it was judged necessary that they should be made acquainted with the two Papers lately transmitted by the Agent, which had already been communicated

to the Members of this Board severally, to witt: the Copy of the Report of the Lords of Trade on the Representation of our Proprietaries, recommending for His Majesty's Approbation George Thomas, Esq^r^ to be Deputy or Lieu^t^ Governor of this Province and Counties; and on the Petition of Lord Baltimore against the said Approbation, and likewise his Lordship's Answer to the Petition from this Government, It is, therefore, Ordered, that the President lay the said Papers before the House accordingly.

At a Council held at Philadia., October 15th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esq., President.

Samuel Preston,	Ralph Assheton,	Esqrs.
Clement Plumsted,	Samuel Hasell,	
Thomas Laurence,	Thomas Griffitts,	

The President acquainted the Board that a Message was brought to him last night by five of the Representatives, to inform him & the Council, that the Representatives of this Province being mett in Assembly had proceeded to the Choice of a Speaker, & desired to know when the President & Council would receive them with their Speaker; That he, the President, had returned Answer that he would communicate the said Message to the Board, from whom the House might expect to hear in the morning; Whereupon it is Ordered, that the Secretary immediately acquaint the Representatives that the Board is now sitting & ready to receive them with their Speaker. The Secretary being returned, reported that he had delivered the said Message according to Order, and soon after the Representatives attending, Andrew Hamilton, Esq^r^ addressing himself to the Board, acquainted them that the Representatives of the Freemen of this Province, elected the first instant, had mett yesterday in pursuance of the Charter of Privileges and the Law; that they had proceeded to chuse a Speaker, which Choice had fallen upon him, and that the Members of the House had taken the Qualifications by Law directed, & now waited for this Board to acquaint them, that if they had any thing to lay before the House they were ready to receive it. The President made Answer, that as the Qualifications of the Speaker were abundantly well known, he did not doubt but the Choice of the House was as agreeable to all the Members of the Board as it was to himself in particular; and then briefly recapitulating what had passed between the Board & the former House, on the Subject of the Differences with the Government of Maryland, & of the Violencies & Outrages that had been carried on against the Inhabitants of this Province, for Redress of which an humble Application had been made to His Majesty. The President delivered to the Speaker the two Papers which were by

the preceeding Council directed to be laid before the House, & thereupon they withdrew.

Then were read two Applications to the President, the one from Evan Jones & the other from John Henry Gosch, Prisoners in the Goal of this City, charged with Capital Offences, praying that Orders may be given for bringing them to Tryal; Whereupon the Secretary is directed to acquaint the Justices of the Supreme Court with these Applications, that they may take Order therein.

A Report being this day read at the Board of the Proceedings of the Court of Oyer & Terminer & Goal Delivery, held at Newtown for the County of Bucks, the 13th day of September last, whereby it appears that Richard Heard & William Beatson were severally indicted and convicted of Burglary, for which Sentence of Death had passed upon them; that two other Bills of Indictment had been found against Beatson for Burglary, besides that on which he had been convicted. The Board are of Opinion that the Sentence against him ought to be putt in Execution; but being willing to be further informed touching the other Criminal, the Secretary is directed to apply to the Justices of the said Court for this Purpose, & to report their Sentiments to the Board.

At a Council held at Philadia., November 11th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Clement Plumsted, Samuel Hassell, Thomas Laurence, Thomas Griffits, } Esqrs.

Andrew Hamilton, Esquire, being appointed Judge of the Court of Vice Admiralty for the Province of Pennsylvania & Territories thereunto belonging, by Virtue of a Commission issuing under the Great Seal of the High Court of Admiralty of England, bearing date the eighteenth day of August last, now produced at the Board, did this day take & subscribe the several Oaths and Declarations by Law enjoyned, & an Oath for the faithful Execution of his Duty, in order to qualify him to enter upon the Discharge of the Trust reposed in him by Virtue of the said Commission.

At a Council held at Philadia., November 12th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Clement Plumsted, Samuel Hassell, Thomas Laurence, Thomas Griffitts, Ralph Assheton, } Esqrs.

The President having caused the Members to be Summoned on

he second instant, in Order to lay before them some Advices he ad just then received from the County of Lancaster, a Quorum lid not meet, and Time not admitting that the said Advices should e thoroughly considered in the Council of yesterday afternoon, this morning was then appointed for entring upon the Consideration thereof; And accordingly the President laying before the Board three Affidavits, to witt, of Richard Lowdon, Keeper of the Goal of Lancaster, Patience his Wife, & Mary Coffee their Servant, the same were read & sett forth, That on Wednesday the twenty-sixth day of October last, about twelve of the clock in the night, John Charlton, the Captain of the Maryland Garrison, with sundry other Persons unknown, to the Number of about sixteen, armed with Guns, Pistols, and Cutlasses, broke into the House of the said Richard Lowdon, adjoining to the Prison of the said County, and getting into his Bed Chamber, where he & his Wife then lay, pulled them out of Bed, and presenting cock'd Pistols to their Breasts, demanded the Keys of the Goal, that the Doors might be sett open, and sundry Prisoners who were therein confined, to witt, Daniel Lowe, George Bare, Philip Yeiger, and Bernard Weymer, to be sett at Liberty, for that they belonged to the Province of Maryland, threatning to shoot the said Lowdon if he disputed doing what was required of him; That amongst the said armed Company was one Frances Lowe, Sister of the aforesaid Daniel, who by frequent visiting her Brother in Goal, becoming acquainted therein, & having observed where the Keys were usually put at night, undertook to show the said Company where the Keys were, and accordingly opened several Drawers until she found them; Whereupon the said Charlton & his Associates required the said Richard Lowdon forthwith to take the Keys, open the Doors himself, & to dismiss the aforesaid Prisoners, upon pain of instant Death, which he peremptorily refused to do, even tho' they should carry their threats against him into Execution; that one of the Company took the said Keys, unlock'd the Goal Doors, & calling to the said four Prisoners they came forth, and with the said armed Company rode off towards Maryland; That Lowdon's Wife and Maid endeavouring to escape, in order to give the Alarm, were seized by some of the said Company, kick'd and beat, and the whole family were held & detained, so that no timely Notice could be given in the town of Lancaster of this Action until the Rioters were all gone off.

The Board having but little Reason from Governor Ogle's past Conduct, and the Manner in which he chuses to pass over every just Complaint that has been made to him on the part of this Government, to expect much Regard from him to any Expostulations on these unexampled Violencies between the Subjects of the Crown, or to any Demand that may be made for delivering up these outragious Rioters to the Justice of this Province, Yet that no thing in the present Occasion may be omitted which may be conceived to be the duty of this Board, they are of Opinion that a Letter on the

Subject of this last daring Insult should be sent to the said Governor, with a Demand for Delivering up Charleton & his accomplices to Justice, & for returning the Prisoners to the Goal of Lancaster; And a Draught of a Letter having by Order of the President been prepared by the Secretary, was read and debated, and some alterations being made, the same was approved and Ordered to be transcribed & signed in behalf of the Board by the President, to be transmitted by Post or any private Conveyance that might sooner offer. Which Letter follows in these Words.:

Philadelphia, November 12th 1737.

"Sir—

"Since the Receipt of your last of the 16th of August, wherein you wave giving any direct Answer to the Complaint we made of the Outrage committed on Mr. Gatchell, and to our Demand of delivering up to Justice the Persons concerned therein, till you could make yourself thoroughly apprized of the Fact and all its Circumstances, We have been in Expectation of receiving your further Sentiments on that Affair, and of knowing whether we are to consider the Fact as approved of & countenanced by your Government. We were in hopes, indeed, that even from your own former Engagements, quoted to you in our Letter of the 22d of July on that subject, you would have found yourself in Honor indispensably obliged long before this time to have given us a more proper Satisfaction; but instead of it, to our astonishment, we find the same lawless Person, your Captain Charleton, as it appears, depends so far on your supporting him that there is nothing can be too heinous for him to undertake. Of which another flagrant Instance is His and his Company's late Action in Marching in the Night into the middle of Lancaster County, breaking into the Goaler's House, assaulting him in his Bed, beating & abusing not only the Man but his Wife and Maid, seizing the Keys of the Prison Doors & setting at Liberty four Persons, to witt: Daniel Lowe, George Bare, Philip Yeager, and Barnard Weymer, standing committed for Riots & Breaches of His Majesty's Peace. These facts, the Heinousness of which it is unnecessary for us by any words to aggravate, having been perpetrated on Wednesday night, the 26th of last month, must have long since with their Circumstances been known to you, for we are informed several of those concerned in them set out soon after for Annapolis to carry the news of their Exploits. But as these Violences are of such a Nature as suit nothing less than an open declared State of War, and are never to be justified between Subjects of the same Crown, we demand, as we have an undoubted Right, that the said Charleton and his Accomplices, now within your Jurisdiction or Command, be forthwith delivered up to the Justice of this Province, and that the Prisoners be returned; Or if we are in this also to be disappointed, we must again become humble Suitors to Our Gracious Sovereign, the only Recourse we have to be de-

the unexempled Outrageousness of such Measures, to
Royal Protection, & a suitable Redress for so daring
the British Laws and Constitution. We are,

"Sir,

"Your Friends and humble Servants,

"In behalf of the Council,

"JAMES LOGAN, Presidt.

lajesty's Service.

Honble. Samuel Ogle, Esq^r.
Lieut. Governor of Maryland."

tary reported that pursuant to the Order of the Board
of last Month he had the next day attended the Jus-
Court of Oyer & Terminer held for the County of
f whom hapned then to be in Town, who on confer-
r touching Richard Heard, by them adjudged to Death
, unanimously declared they had nothing to offer in his
hat nevertheless they submitted the whole to the Plea-
Board. And hereupon it being considered that this is
ence, the Board were unanimously of Opinion that his
be spared conditionally that he depart the Government
to return into it. And It is Ordered, that a Warrant
the hand of the President for the Execution of Wil-
n, the other Criminal in the Goal of the said County,
lay se-night, the twenty-third instant.

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ncil held at Philadia., November 26th, 1737.

PRESENT:

ble JAMES LOGAN, Esqr., President,

umstead, Samuel Hasell, } Esqrs.
urence, Thomas Griffitts, }

ites of the four preceeding Council being read and ap-

ident laid before the Board a Letter brought him this
a Message dispatched on Purpose by Governor Ogle,
; read is as follows:

"Annapolis, 22d November, 1737.

ed on Saturday last the inclosed Order of Council, which
effectually put a stop to all Riots & Disturbances upon
s for the future; at least I beg leave to assure you that
l be wanting on my Part to have it punctually observed by
under this Government. As we have not a Press here

at present, I have given Directions to the Bearer of this to get a good Number of Proclamations printed in Philadelphia, that His Majesty's pleasure may be made as publick as possible, and hope you will be pleased to favour us, not only with your permission, but to give Directions that such Expedition may be used as the Importance of the Affair requires.

"I was lately much surprized to hear that Daniel Lowe and his fellow Prisoners were brought out of Lancaster Goal by some of our People. I have been so far from giving any Encouragement to any thing of this Nature, that it was my positive Order to all our Inhabitants in those parts, to avoid giving the least Offence to any under your Government, but only to defend themselves from such Violences as should be offered to themselves; and, indeed, considering in what Light the Imprisonment of those unhappy People is looked upon by the Inhabitants of both Provinces, & from some other Circumstances, I can't help thinking that many even of your own People were concerned, at least underhand, in this Affair; however, as I hope this Order of His Majesty will now put a Stop to all our Disputes here, till such time as Affairs are finally determined at home, I shall not enlarge further upon this hand, but beg Leave to remain,

"Sir,

"Your most Obedient, humble servant,

"SAM. OGLE.

"To the honourable James Logan, Esq^r. President of the Council at Philadelphia."

At the Court at Hampton Court the 18^th day of August, 1737.

PRESENT:

The King's most Excellent Majesty.

Arch Bishop of Canterbury,	Earl Fitz Walter,
Lord Chancellor,	Lord Monson,
Lord President,	Mr. Speaker,
Lord Privy Seal,	Mr. Chancellor of the Exchequer,
Lord Chamberlain,	Henry Pelham, Esq^r.
Earl of Pembroke,	Sr. Charles Wager,
Earl of Cholmondeley,	Stephen Poyntz, Esq^r.
Earl of Jlay,	

"WHEREAS two Petitions from the Province of Maryland have been presented to His Majesty at this Board, the one from the Governor and Council, and the other from the Commissary and Clergy of that Province, which Petitions represent (amongst other things) That there is a Suit now depending in His Majesty's High

of Chancery of Great Britain, between the Lord Baltimore, tor of Maryland, and the Family of the Penns, who are the Proprietors of Pensilvania, concerning the Validity of certicles of Agreement entred into between them for adjusting undarys of their respective Provinces; That pending the it great Disorders and Outrages have been committed upon rders of the Province of Maryland by the Inhabitants of the ce of Pensilvania, who have set fire to the House of one Cresen himself, Wife, Children, and six others were in it, and the same to the Ground; and that whilst the said Persons oured to escape the Flames, several Guns were fired at them, y one Man was killed and others wounded, and several were Prisoners and carried to the Goals in Pensilvania. Wherefore titioners most humbly pray (amongst other things) His Mamost Gracious Interposition and Commands, for the Preser- of the Peace on the Borders of the said Province; And as, the Lords of the Committee of Council, to whom His y referred the Consideration of the said Petitions, have made leport thereupon to his Majesty at this Board, His Majesty y took the said Report into His Royal Consideration, and eased, with the Advice of His Privy Council, to Approve of s therein proposed; and His Majesty doth hereby accordingly and Command, That the Governors of the respective Provf Maryland and Pensilvania, for the time being, Do not, upon f incurring His Majesty's Highest Displeasure, permit or ny Tumults, Riots, or other Outrageous Disorders to be com- on the Borders of their respective Provinces, But that they ediately put a Stop thereto, and use their utmost endeavours erve Peace and good Order amongst all His Majesty's Subnder their Government Inhabiting the said Borders. And as is to preserve Peace & Tranquility on the said Borders, His y doth hereby enjoyn the said Governors that they do not rants of any part of the Lands in contest between the Pros respectively, nor of any part of the three lower Counties, nly called New Castle, Kent, and Sussex, nor permit any to settle there, or even to attempt to make a Settlement n, till His Majesty's Pleasure shall be further signified. And ajesty is further pleased to Direct that this Order, together uplicates thereof, be delivered to the Proprietors of the said ces, who are hereby required to transmit the same forthwith Governors of the said respective Provinces accordingly.

"W. SHARPE."

ed to be A true Copy by J. Ross, Cl. Cou.

ich is referred for further Consideration.

n reading at the Board a Petition of Rudolf Mohr, setting hat at the town of Lancaster, in the County of Lancaster, in nth of February, 1732, an accidental Quarrell having arisen

between the Petitioner & one Richard Downar, wherin the sai Downar was the Aggressor; the Petitioner struck the said Downa a Blow on the Face, who, in a few days thereafter, being seize with a malignant Fever, occasioned as 'tis supposed by hard drinkin and not by any hurt received from your Petitioner, died; tha upon an Inquisition taken by the Coroner of the said County, upo the Body of the said Downar, the Petitioner was confined for three months in the Goal of the County aforesaid, till being removed b a Writ of Habeas Corpus, returnable before the Provincial Judge at Philad[a]- the Petitioner entred into a Recognizance, with sufficien Sureties, for his Appearance at the next Court of Oyer and Ter miner & General Goal Delivery, to be held for the County of Lan caster, but hath never since been called upon to appear, nor has any such Court been held; That the Petitioner hath been long invite by his friends to return to Germany, his Native Country, but prevented by reason of the Premisses; and the Petitioner's Sureties to hinder his going, and lest their Recognizances should be estreated have lately delivered up the Petitioner to the Sherif of the Count of Philadelphia, under whose Custody in Prison the Petitioner is now detained, and having nothing to subsist on, must inevitabl perish; and therefore praying that his unhappy Circumstances ma be taken into Consideration, & such Relief granted him as to th Clemency & Wisdom of this Board should seem proper; And Copy of the Coroner's Inquisition, together with sundry Affidavit being produced & read, whereby it sufficiently appears that th Blow given by the Petitioner was not of premeditated or before thought Malice, It is Ordered that a Pardon be prepared for th Petitioner, that he may be at Liberty to prosecute his Design o returning into his Native Country.

At a Council held at Philadia., December 1st, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Ralph Assheton, Clement Plumsted, Thomas Griffitts, Thomas Laurence, } Esqrs.

The Board resuming the Consideration of Governor Ogle's Letter the same was again read, and the President laid before them two petitions, which he said were delivered to him on Monday last by the Maryland Express, & observed that they were addressed not to him & the Council, on whom jointly, tis well known in Maryland the Administration of this Province is devolved, but to himself alone, wherein probably there may be some Design, & that it ought to be remarked The said Petitions, one of Thomas Cressap & other of Miles Foy, Michael Reisner, & Jacob Matthias Minshe

setting forth the Circumstances of their Case as they have thought fit to represent them, & praying to be enlarged from their Confinement in Philadelphia Goal, were then read; The Subject matter of which Petitions being debated, and Governor Ogle's Letter being spoke to, the Secretary is directed to prepare a Draught of an Answer to the said Letter to be laid before the Board this evening.

EODEM DIE, P. M.

PRESENT:

The Honble James Logan, Esq., President, & the same Members as in the morning.

A Draught of an Answer to Governor Ogle's Letter was laid before the Board by the Secretary, according to Order, and the same being read was debated, and is referred to be further considered to-morrow morning.

At a Council held at Philadia., December 2d, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Clement Plumsted, Thomas Laurence, Ralph Assheton, Thomas Griffitts, } Esqrs.

The Consideration of the Answer to Governor Ogle being resumed, some small Alterations were made in the Draught, which was then unanimously approved; and It is Ordered that the President, in behalf of this Board, sign a fair transcribed Copy thereof, to be delivered to the Maryland Express. And on the Subject of the Petitions by him presented to the President, the Board are of Opinion that at present it may be sufficient for the President to acquaint the said Messenger That the Petitioners, being under a legal Prosecution, ought regularly to have applied to the Judges, or if directed to make their Application to the Government they should have addressed their Petitions to the President & Council, in whom the Administration is lodged, & not in the President alone; yet, notwithstanding this, He hath laid them before the Board, who have them under Consideration, & when Governor Ogle is pleased to return an Answer to the Letter now sent him, the Petitioners shall have the Resolution of the Board upon the Petitions. Which Letter follows in these Words:

"Sir—

"Our President hath laid before us your Letter of the 22d of

November, addressed to himself only, tho' you cannot be unsensible the Administration is not in his hands singly but jointly with this Board, together with a Copy of his Majesty's Order in Council of the 18th of August, to which, not doubting its being genuine, tho' we have not yet received the same on our part from England, we give due Credit, & notwithstanding it appears to have been obtained Ex parte, yet as it contains a full Declaration of His Majesty's Pleasure, that an effectual Stop be putt to those Disorders that have furnished out the chief matter for our Complaints in our Correspondence with you, and that Tranquility may be restored to his Subjects in both Governments, we receive with a very sensible Satisfaction His Royal Commands herein, of which our Letters & Messages to you have always expressed the strongest Desires on our part. We have therefore not only made no objection to the printing of your Proclamation, which you chose to have done in this City, but in Return to your Assurances most readily give you ours, that we shall chearfully pay all due Obedience to his Majesty's Will, & shall not be wanting in our best Endeavours to answer the Royal Intention of giving Peace to both Provinces. But as His Majesty's Order has not given any Directions touching those whose Prosecutions in both Governments will most probably be considered by our Superiors as taking their Rise from the Contraversy which the disputed Claims may have occasioned, & this being a Point so necessary for the full Re-Establishment of a good Understanding & Harmony between the two Provinces, we cannot be perswade ourselves that it must have employed your Thoughts, and since a Step of this Nature appears to be agreeable to the Intention of the Royal Order, we must desire your Sentiments herein.

"On the Notice you have taken in your Letter now before us 'of Lowe & his fellow Prisoners being brought out of Lancaster Goal by your People, without your having given Encouragement to any thing of the Nature,' we cannot but observe that you must be mistaken in supposing any of ours were concerned in it; but as we have wrote fully on the Subject in our Letters to you of the 12th ulto., we may expect in your next to hear further of that Affair, and are,

"Sir,

"Your Friends, & humble Servants,

"Signed by Order and in behalf of the Council,

"JAMES LOGAN, President.

"Philadelphia, December 2d, 1737."

Addressed,

"For His Majesty's Service.

"To the Honble Samuel Ogle, Esqr.,
Lieut. Governor of Maryland."

Upon the Motion of the President, Thomas Fletcher, of the

County of Philadelphia, and John Evans, of the County of Chester, Esquires, are assigned Justices of the Peace, and of the Court of Common Pleas, within their said respective Counties, and Commissions are ordered to be prepared and issue to them accordingly.

At a Council held at Philadia., December 12th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President,

Samuel Preston, Samuel Hasell, Thomas Laurence, Thomas Griffitts, Ralph Assheton, } Esqrs.

Upon Application made to the President, & by him this day communicated to the Board, for a Brief to Joseph Evans, an Inhabitant of Lancaster County, whose House, a good substantial Building of two stories high, on the western side of the River Sasquehanna, within that County, was, by an accidental fire that broke out in the night time, between the 21st & 22d of last month, entirely consumed, himself, his Wife, & two small Children narrowly escaping the flames, having lost all their Apparel, Household Goods, Corn, & other Winter Provisions, as appears by a Certificate under the hands of three of the Justices of the Peace for the said County now read; And it being also represented that the said Evans had been a considerable Sufferer within this year past by the Violence of the Maryland Garrison, by whom he had been taken Prisoner & carried to Annapolis, It is Ordered, that he be allowed to ask & receive the charitable Contributions of well disposed Persons within the several Counties of this Province for the space of three Months, and the President is desired to sign a Brief for this Purpose.

Whereas, by an Order of this Board of the 3d of September last, the Execution of a certain Sentence, passed against Sampson, a Negroe Man, now in the Goal of Philadelphia, stood respited to the 3d instant, The Board were this day pleased to order the same to be further respited to the first day of June ensuing, with Leave to the Master of the said Negroe, within that time to transport him beyond Seas to any Colony, Dominion, or State not subject to or depending on the Crown of Great Britain, so as that he do not return into this Province; for the due Performance whereof the Master of the said Negroe shall give Security: & It is Ordered, that Directions, under the hand of the President, be issued to the Sherif of the City & County of Philadelphia accordingly.

At a Council held at Philadia., December 26th, 1737.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Clement Plumsted, Samuel Hasell, } Esqrs.
Ralph Assheton, Thomas Griffitts, }

The President laid before the Board a Letter from Governor Ogle, which was read in these Words:

"Annapolis, 19th Decem^r^ 1737.

"Gentlemen:

"I have received your Letter of the 2d Instant, in Answer to mine of the last Month, sent with a Copy of His Majesty's Order in Council of the 18th of last August, and cannot but be somewhat surprized to hear that you had not received the same Order from England before, several Letters having come to this Place by the way of Philadelphia of a much later Date than that wherein the said Order was inclosed to me; but this, however, is the less material, since you express yourselves satisfied with the Copy of that sent from hence.

"As I dare not presume but His Majesty made that Order in the most impartial Manner, and as I make no doubt of the Care and Vigilance of the Government of Pennsylvania and its Agents in England, to offer whatever they thought of Moment in Opposition to that Order, I cannot suggest to my self any foundation for your Opinion of its having been obtained ex parte, unless you are conscious that the Royal Commands in that Order appear agreeable to the Proposals I made to Mess^rs^ Hamilton & Georges, and often since repeated to your Government, which as often rejected or evaded them.

"I am not less Sorry than surprized to perceive you think His Majesty's Order so imperfect as to want my Sentiments thereon. My awful Obedience to whatever appears to be His Royal Pleasure has not permitted me to suppose any Omission or Obscurity in that Order which might possibly obstruct the Royal Purposes of Peace and good Neighbourhood amongst His Majesty's Subjects in our respective Governments, & therefore immediately upon the Receipt of it I issued that Proclamation, which (you say) you made no Objection to the printing of in your City; And I flatter myself that Signification of His Majesty's Will and Pleasure to the Inhabitants of this Province, with my Resolution of exacting the most punctual Obedience thereto, will readily meet with a cheerful Compliance in the Preservation of that Peace which I am convinced has always been no less agreeable to the Wishes of His Majesty's Subjects in this Government than of my self. And by this Step I hope I have shewn my self not in the least backward, but, on the contrary, dutifully forward & earnest in doing what I thought neces-

sary in Obedience to His Majesty's Pleasure. And at present I have only to wish you would be pleased to impart to me what publick Demonstrations of Obedience your Government has made on the same Occasion and for the like purposes, especially since I have not as yet heard the least Tendency on your part to do as much as I have done in that matter; but, on the contrary, by a Critical Scaning and Interpretation of His Majesty's Order, you seem to think some Preliminaries necessary to be known with Respect to the Prosecutions mentioned in your Letter, before you make any Advance of re-establishing Peace, pursuant to His Majesty's Directions.

"As this Matter of the Prosecutions is first started and taken Notice of by you, it might be reasonably expected you would have mentioned some expedient for the clearing of a Doubt, which you have thought fit to entertain, and which never entered into my thoughts; but however as I always have been, so I shall continue to be, beforehand with you in whatever may conduce to our Peace and Tranquility, and therefore I readily communicate my present thoughts to you on that Point.

"As His Majesty's Commands are expressly against our making any new Grants of any Part of the Lands in Contest or Settlements thereon, they necessarily imply that we are as little left at Liberty to judge for ourselves in relation to the Propriety of those Lands on which settlements are already made, which will of course be left subject to the respective Governments under which the present or late Possessors, which have been disturbed, seated and settled themselves, and consequently all Disputes about the Extension of our Jurisdiction over those Settlements will cease, and the Possessors of them will be freed from all Vexation on that Account.

"There are others who have not been disturbed on Account of the Propriety of the Lands on which their Habitations are seated, but who have been guilty of Riots and Disturbances within the known Settlements of our respective Governments, the most criminal whom, without all Dispute, are those who burnt Cressap's House and committed the Murder there; but if no more are taken up on Account of these past Riots, and the Prosecutions already begun are left in Statu quo, and all Prisoners let out on Bail till His Majesty's Pleasure be further known, all Disturbances must of course cease, and perfect Tranquillity be restored on our Borders according to His Majesty's most gracious Intention.

As this is the Chief thing that lies before us at present, I beg We may not be diverted from the Point, by the Consideration of anything else of an inferiour Nature. The taking the Prisoners out of Lancaster Goal was certainly a very wrong Proceeding, and as I mentioned before, it is very probable that some of the Inhabitants of Lancaster County may, upon a strict Enquiry, be found to have had a hand in it; but whether they had or not the Action was

without the least Countenance from this Government, and I am sorry to see you enlarge upon it with a Number of Circumstances which are, by all the Inquiry I have been able to make, absolutely without the least foundation, which looks as if your Disposition lay still towards wrangling with us rather than healing our unhappy Differences; if we do but sincerely pay all due Obedience to His Majesty's Commands, and show the People that the two Governments act in a friendly manner, all Violences amongst themselves on both sides will soon cease, and full Peace and Tranquillity be restored, which I beg leave to assure you shall be the sincere Endeavour of,

"Gentlemen,

"Your most Obedient humble servant,

"SAM. OGLE.

Addressed,

"To the honourable James Logan, Esq^r President, and the Council of the Province of Pensilvania."

Which being debated was referred for further Consideration in a fuller Council.

At a Council held at Philadia., January 2d, 1737–8.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Ralph Assheton, Thomas Laurence, Thomas Griffitts, } Esqrs.

The Minutes of the Six preceeding Councils being read and approved,

The President laid before the Board a Copy of His Majesty's Order in Council of the 18th August last, under the Seal of the Privy Council and signed by one of the Clerks, which was received by the last northern Post, and the same being this day read, It is Ordered that a Proclamation enforcing Obedience to the said Royal Order be drawn up, to be laid before the Board to-morrow morning.

N. B.—His Majesty's Order in Council being compared with y^r Copy thereof transmitted from Maryland, entred in the Minute o November the twenty-sixth, is found to agree.

At a Council held at Philadia., January 8d, 1737–8.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Ralph Assheton, } Esquires.
Thomas Laurence, Thomas Griffitts, }

The Secretary laid before the Board a Draught of the Proclamation ordered by the preceeding Council, and the same being read was approved, and It is Ordered that it be forthwith engrossed, sealed, and published, & that Copies thereof be sent into the respective Counties of this Government. Which Proclamation is in these Words:

"By the Honourable the President and Council of the Province of Pennsylvania.

"A PROCLAMATION.

"Whereas, We have this Day received an Order of His Majesty in Council, bearing date the eighteenth Day of August last, in these Words: 'Whereas two Petitions, &ca (here the Order was compleatly recited). We have therefore thought fitt to publish the said Royal Order to the End that all His Majesty's Subjects within this Government may have Notice thereof, and pay all due Obedience to His Majesty's Royal Will and Pleasure signified therein, Hereby strictly enjoyning and requiring all and every the Magistrates, Sherifs, and other Officers, and all other Persons whatsoever in the said Government, not only to use their utmost Endeavours for preventing and surpressing all Tumults, Riots, or other outrageous Disorders on the Borders aforesaid, but to be vigilant & carefull in causing all the other Commands and Directions of the said Royal Order to be punctually observed and complied with, as far as in them lies; And all and every the Sherifs of this Government are hereby required and commanded to publish this Proclamation at the Court House of their respective Counties, and to cause Copies thereof to be affixed at the most Publick Places of the said counties, that none may pretend Ignorance of the same.

"Given in Council at Philadelphia, under the Great Seal of the said Province of Pennsylvania, the second day of January, 1737, in the eleventh year of the Reign of Our Sovereign, Lord George the Second, by the Grace of God of Great Britain, France, & Ireland, King, Defender of the Faith, and so forth.

"By Order of the President & Council,
"JAMES LOGAN.

"R. CHARLES, Secry."

"GOD SAVE THE KING."

EODEM DIE, P. M.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Ralph Assheton,
Clement Plumstead, Samuel Hasell, } Esqrs.
Thomas Laurence,

The Board resuming the Consideration of Governor Ogle's Letter of the 19th ult., the same was again read, and those particular parts of it wherein he gives his Sense of what is implyed by His Majesty's Order, touching the Jurisdiction of either Government over the parts in Contest, & the Proposal that no more Persons should be taken up on Account of the past Riots, that the Prosecutions already begun be left in Statu quo, & all Prisoners be lett out upon Bail till His Majesty's Pleasure be further known, being fully spoke to and debated, and the Case of Cressap and of the others whose Petitions lye before the Board, being likewise duly weighed & considered, The Board are unanimously of Opinion that as this Government have, by their humble Petition presented to His Majesty, made known to him the Circumstances of those Prisoners, and the Causes from whence the late Disturbances between this Province & that of Maryland have arisen, submitting the whole to such Directions as His Majesty in his Wisdom & Justice should think fitt to give therein; in Expectation whereof the Proceedings against those Criminals had hitherto been delayed. It may now be proper on the Receipt of His Majesty's Order in Council, and on the footing that the Affairs of both Governments mutually stand at present, to consent & agree to the Proposal for suspending all further Prosecutions, & enlarging all Prisoners upon Sufficient Bail; And the Board having likewise delivered their Sentiments on some other Points necessary to be taken Notice of, a Draught of a Letter to Governor Ogle, agreeable thereto, is ordered to be prepared by the Secretary, to be laid before the Board to-morrow.

At a Council held at Philadia., January 4th, 1737–8.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Ralph Assheton,
Clement Plumsted, Samuel Hasell, } Esqrs.
Thomas Laurence, Thomas Griffitts,

The Secretary laid before the Board a Draught of a Letter to Governor Ogle, which being read & maturely considered, was with some Alterations unanimously approved, & the President is desired, in behalf of the Board, to sign a fair transcribed Copy thereof, &

to cause the same to be forwarded to Mr. Ogle with all Expedition. Which Letter is in these Words:

Philadia., Janry. 4th, 1737–8.

"Sir—

"Having had under our Consideration your Letter of the 19th of last month, we cannot but with Concern observe how greatly you have laboured to represent our former to you as falling short of that humble Submission & dutiful Regard wherewith all Declarations of the Royal Will & Pleasure ought to be received. Upon a carefull review of what we then wrote, we are at a Loss to conceive what Foundation it could have given you for the Sorrow & Surprise you express on our manner of speaking of His Majesty's Order; Can any just Cause of Offence arise from our having said that It was obtained Ex parte, when it evidently appears that the said Order begins with reciting the Petitions from your Government, and mentions those only? Or how, in common Candor, can our proposing to you to consider the Case of those Prosecutions in both Governments, be termed a critical Scanning of His Majesty's Order? Nor is our awfull Obedience less than yours to whatever appears to be his Royal Pleasure, tho' we could not think ourselves sufficiently warranted from the Copy you sent us of that Order, to proceed to the like publick Acts of Government as were proper for you to enter into, till we were furnished with it, as you were, in the usual authentick manner in which such Commands are always transmitted; we were not, however, wanting to give proper Notice of it in those parts where the late Disturbances have chiefly arisen, and now having this Week, by way of Boston, received the authentick Copy intended for this Government, we have shown ourselves equally with yourself dutifully forward in publishing the same, & enforcing all due Obedince thereto by our Proclamation for that Purpose issued, and now in the Press; which Step being thus intimated to you, will serve, we hope, to remove that groundless Jealousy you seem to entertain of our wanting Preliminaries to be known & settled before we make any Advance of re-establishing Peace, pursuant to His Majesty's Directions.

"It was no less with a view to Peace than for the effectual Prevention of all future Misunderstandings between the two Governments, that we moved you to consider the Case of those under Prosecutions in both, a Relief to whom we conceived might be very agreeable to the Royal Intention; and you must be sensible that in this Point His Majesty's Order had given no positive Direction. As you have now been pleased not only herein to give us your Sentiments, but likewise your Sense of what is implyed by that part of the Order which forbids making any new Grants of any part of the Lands in Contest, or Settlements thereon, As that 'neither Government is left at Liberty to judge for themselves in relation to the Propriety of Lands on which such settlements are already made,

which will, as you say, of Course be left subject to the respective Governments under which the present or late Possessors who have been disturbed, seated & settled themselves, & consequently all Disputes about the Extension of our Jurisdiction over those Settlements will cease, & the Possessors of them be freed from all vexation on that account;' And further, 'as there are others who have not been disturbed on account of the Propriety of the Lands on which their Habitations are seated, but who have been guilty of Riots & Disturbances within the known Settlements of our respective Governments, that no more Persons be taken up on Account of these past Riots, that the Prosecutions already begun be left in Statu quo, and all Prisoners lett out on Bail till His Majesty's Pleasure be further known;' All which Sentiments on your Part, we do assure you are agreeable to ours, on the footing our Affairs mutually at present stand; and accordingly you may depend upon a punctual & exact Observance of the same on our part, till further Directions shall be given herein. We must also add, that as from the promiscuous Settlement & Situation of some of the Inhabitants, it is not improbable but that at one time or other Differences amongst themselves may arise, & some there may be who, either ignorantly or with a view to Mischief, may promote them in such Cases, should any unfortunately happen, we may hope & expect that you will believe it, as we do, to be our indispensable Duty on all such Occasions, to apply the most effectual Measures for preventing & healing of Breaches; And that to the End we may truly answer His Majesty's Gracious Intentions, we may make it the sole Aim of our mutual & joint Endeavours in perfect good Neighborhood, by all the means in our Power, to preserve & secure the Peace and Tranquility of all His Subjects under our Care, than which nothing can be more sincerely desired by,

"Sir,

"Your Friends & humble servants,

"Signed in behalf and by Order of the Council,

"JAMES LOGAN, Presid^{t}

"For His Majesty's Service,

"To the Honble Samuel Ogle, Esq^{r}

"Lieu^{t} Governor of Maryland."

The Board thinking it necessary that the Attorney General should be made acquainted with their Resolutions touching the Prosecutions now depending, and the Prisoners, It is Ordered that the Secretary inform the Attorney General thereof.

Whereas, a Petition of sundry Inhabitants of the County of Lancaster was presented & read at this Board the 25th day of January last, setting forth the Want of a high Road from the to[wn] of Lancaster to Coventry Iron Works on French Creek, in Ch[es]ter County, & praying that proper Persons of each Coun[ty] may

appointed for laying out the same from Lancaster town aforesaid to the said Iron Works, forking the said Road near to the Plantation of Widow Roberts, to lead to a new Furnace on the said Creek called Redding's Furnace, and from thence into a Road lately laid out from the yellow Spring to German's Mill, and from thence into the Conestogoe Road; Which Petition having been referred for further consideration, the same was on the 7th day of October last resumed, and a Draught of that part of the Country thro' which the Road petitioned for is to pass, having been laid before the Board, they were of Opinion that it might prove greatly to the Conveniency & accommodation of the Inhabitants in those Parts, who are entirely destitute of a Publick Road, to grant the prayer of the said petition with some necessary alterations. It was, therefore, Ordered, that Thomas Edwards, Jacob Bear, Emanuel Carpenter, Hans Graaf, Simon King, & John Mendenhall, of the County of Lancaster, or any four of them, do view & lay out a high Road from the most convenient Place of the Road leading from Lancaster town to Philadelphia, as streight & commodious and with as litle Damage to any private Persons as may be, to the Division Line between the Counties of Lancaster & Chester; that William Moore, John Parry, Jun^{r}, Humphrey Lloyd, Evan Davis, Thomas Green, & William Pim, of the County of Chester, or any four of them, do then & there joyn the before named Persons of Lancaster county; & a majority of all the said Persons, or of eight of them, agreeing on the most convenient Passage over the said Division Line, do continue the said Road to the Iron Works on french Creek aforesaid, forking in said Road at the most commodious Place between the Division Line aforesaid & the said Iron Works, to lead to the new Furnace called Redding's Furnace, and from thence into the most convenient established Road leading to Philadelphia; And that of the said Road to be laid out by Course & Distance, they the aforenamed twelve Persons, or eight of them, with a Draught thereof, make Return to this Board in order to a Confirmation; and a Return of the said Road being this Day laid before the Board, and read in these Words: "In Pursuance of an Order from the Honourable the President and Council of the Province of Pennsylv^{a}, dated the 7th day of October last past, We whose Names are subscribed, have laid out a high Road from the most convenient Place of the Road leading from Lancaster town to Philadelphia, to the Division Line between the Counties of Lancaster and Chester, and from thence to a laid out Road below the Iron Works on the french Creek in Chester County, forking the said Road at the most commodious place between the Division Line afores^{d} and the said Iron Works, and carrying the same to a new Furnace called Reading Furnace, and from thence into a Road which leads from French Creek to Philadelphia, The Courses and Distances whereof are as follows, viz^{t}: Beginning at a small Hickery marked with five Notches, standing by Lancaster high Road at

Benjamin Wittmer the Elder's Lane, and thence North sixty-five Degrees Easterly two hundred & fifty-four Perches to a Hickery in a Line of Benjamin Wittmer, Junr. Land, thence along the same North seventy-five Degrees Easterly ninety-six perches to a Hickery, thence North fifty Degrees East one hundred & twenty-eight perches to a black Oak, North forty Degrees East seventy-six perches to a black Oak, thence North thirty Degrees East two hundred & ninety perches to a Hickery in Jacob Heller's Land, thence North twenty Degrees East two hundred and ninety-six perches to a white-oak in George Line's Land, thence North seventy Degrees East one hundred & twelve perches to a white Oak, East fifty-eight perches to a spanish Oak, North seventy-eight Degrees East one hundred and four perches to a black Oak in Andrew Mixell's Land, thence crossing the same North fifty-three Degrees East one hundred and eight perches to a black Oak, North sixty-five Degrees East one hundred and two perches to a Hickery, North seventy-five Degrees East one hundred and ninety-seven perches to a black Oak in Hans Good's Land, thence crossing the same East three hundred & twenty-three perches to a white Oak, South eighty Degrees East two hundred and eight perches to a black Oak in Philip Shaver's Line, thence along the same East two hundred & thirty perches to a Hickery, thence North seventy-five Degrees East three hundred & forty-six perches to a white Oak in Casper Stever's Land, thence crossing the same North sixty Degrees East one hundred and six perches to a black-Oak, North seventy Degrees, East one hundred & fourteen perches to a black Oak, thence North eighty Degrees East one hundred and ninety-four perches to a Hickery on Michael Ranks' Land, thence crossing the same North sixty Degrees East one hundred and sixty-six perches to a black Oak, North fifty Degrees East fifty-eight perches to a black Oak in a Line of Jacob Weaver's Land, thence along the same East North East three hundred & sixty-four perches to a black Oak, thence South sixty-five Degrees East twenty perches to Evan David's Run, then continuing the same course last mentioned five hundred & fifty-eight perches to a black Oak, thence South eighty-five Degrees East sixty-two perches to a spanish Oak, South eighty-six Degrees East sixty-four perches to a black Oak in the Land of John Mendenhall, & continuing the same course twenty-four perches to a Run, thence North thirty Degrees Easterly eighty-eight perches to a Hickery in the Line of Matthias Stover's Land, thence along the same North sixty Degrees East one hundred & twenty-one perches to a Hickery, thence crossing the Land of Nathan Evans North fifty Degrees East one hundred & forty-eight Perches to a white Oak, North fifty-five Degrees East one hundred & ten perches to a Hickery, North eighty Degrees East two hundred perches to a white Oak in Evan Hugh's Lane, thence on the same North twenty-two Degrees East forty-eight perches to a white Oak, North four Degrees East twenty-one

ches to the eastern Branch of Conestogoe Creek, & continuing same course forty perches to a black Oak, thence East one ndred & twenty perches to a black Oak, North seventy Degrees st sixty-six perches to a black Oak, East one hundred & one ches to a white Oak, North seventy-five Degrees East forty-six ches to a black Oak, North sixty-four Degrees East three hun-d perches to a black Oak standing on the Land of George Hud-n, thence crossing the same North eighty Degrees Easterly two ndred & forty-four perches to a black Oak in Thomas Williams' nd, thence on the Land of the said Thomas Williams North hty-six Degrees East one hundred & forty-eight perches to a ack Oak on the Land of John Bowen, thence North seventy-five egrees East forty-eight perches to a black Oak, East sixty-one ches to a Hickery, North seventy-five Degrees East fifty-nine ches to a Hickery, North sixty-eight Degrees East one hundred sixty perches to a Black Oak in the Land of Hugh Hughes, ence North sixty-three Degrees East one hundred & twelve ches to a Hickery standing by the said eastern Branch of Con-togoe Creek in the Land of Thomas Morgan, thence South venty Degrees East twelve perches to a white Oak, North eighty-ree Degrees East forty-four perches to a black Oak, North sev-ty Degrees East one hundred & twenty-one perches to a black ak, North eighty Degrees East one hundred & twenty perches to Hickery, South eighty Degrees East twelve perches to the afore-id eastern Branch of Conestogoe Creek, & continuing the same urse twelve perches to a smal Hickery in the said Thomas Mor-n's Land, thence South twenty Degrees East thirty-four perches a white Oak, South eighty-five Degrees East one hundred & six-en perches to a black Oak, East two hundred & four perches to a ite Oak standing on the Land of Robert Ellis, thence North hty Degrees East eighty-five perches to a Hickery in Moses artin's Land, thence South eighty-five Degrees East forty-six ches to a white Oak, South sixty Degrees East ninety-four ches to a Hickery, South eighty-five Degrees East one hundred forty-four perches to a black Oak, North eighty Degrees East ty perches to a black Oak, North fifty Degrees East ten perches a marked black Oak standing in the Division Line of the Coun-s of Lancaster & Chester, thence crossing vacant Land North hty-eight Degrees Easterly ninety perches to a Chesnut, South st fifty perches to a Post, East South East fourteen perches to a hesnut tree, South eighty-five Degrees East sixty-six perches to lack Oak, East by North thirty-six perches to a Post in a Line James Logan's Land, thence East North East along the said ne one hundred & five perches to a black Oak by the side of a amp, thence North eighty-five Degrees Easterly sixty perches to Chesnut tree, North sixty-eight Degrees Easterly eighty-four ches to a black Oak standing in the Land late of Owen Roberts, nce crossing the same East ninety-four perches to a white Oak,

North eighty-three Degrees East thirty-four perches to a white Oak by a Branch of the french Creek, thence north seventy Degrees Easterly eighty perches to a black Oak, East seventy perches to a black Oak, North seventy Degrees East sixty perches to a black Oak, thence North seventy-five Degrees Easterly one hundred & sixty-six perches to a black Oak, East South East forty perches to a Chesnut tree in Hugh Roberts' Land, thence South East twenty-eight perches to a black Oak, East South East sixteen perches to a black Oak standing in a Line of William Branson's Land, thence crossing the same South thirteen Degrees East two hundred & two perches to a black Oak, South twenty-five Degrees West forty-six perches to a Gum tree, South East fifty-two perches to a black Oak, South thirty-five Degrees East sixty-four perches to a Chesnut tree near Reading Furnace, thence South fifty-four Degrees East twenty-five perches to a white Oak in Thomas Savage's Line, thence South seventy Degrees Easterly thirty perches to a Chesnut tree standing in the Land of the said William Branson, thence South sixty Degrees East sixty perches to a Chesnut tree, South fifty-five Degrees East ninety-six perches to a Hickery, East one hundred perches to a Hickery on Samuel Nutt's Land, thence North eighty Degrees East sixty-six perches to a black Oak, South eighty Degrees East thirty-six perches to a Chesnut tree, South seventy Degrees East fifty-four perches to a black Oak, South eighty Degrees East forty perches to a black Oak, South seventy Degrees East forty-four perches to a black Oak, South East fifteen perches to a black Oak, South two Degrees West thirteen perches to a Beech by a smal run, South seventy Degrees East twenty-two perches to a black Oak, South eighty-five Degrees East one hundred & forty perches to a black Oak in Griffith Griffith's Land, thence East sixty-six perches to a black Oak, North sixty-six Degrees East twenty-six perches to a black Oak, North fifty-two Degrees East sixteen perches to a white Oak by a Run, thence South eighty Degrees East one hundred & twenty-four perches to a white Oak in Simeon Woodrow's Land, thence South sixty Degrees East sixty-two perches to a black Oak, South twenty Degrees East twenty-six perches to a black Oak by Uchland Road, then down the same sixty perches to a white Oak by Beaver Dam Run, thence South thirty Degrees East forty perches to a black Oak, South East forty-four perches to a black Oak, South sixty-two Degrees East sixty perches to a black Oak, thence South thirty-five Degrees Easterly twenty-seven perches to a black Oak, South South East sixty perches to a Chesnut tree by a smal Run, South forty Degrees East seventy-two perches to a black Oak by a Spring, thence crossing Land laid out for Doctor Daniel Cox & Company South sixty Degrees East thirty perches to a Chesnut tree, South sixty-six Degrees East sixty-two perches to a Chesnut tree, South seventy Degrees East fifty perches to a Chesnut tree, East fifty perches to a black Oak, East by South twenty-four perches to a Post near

William Owen's House, thence South thirty Degrees Easterly ten erches, South sixty Degrees Easterly seventy-six perches to a hite Oak, South East seventy-two perches to a black Oak, South eventy-three Degrees East thirty-four perches to a black Oak, outh East thirty perches to a Hickery, South twenty Degrees ast sixty-eight perches to a black Oak, South seventy Degrees ast fifty-four perches to a Hickery, South East forty-five perches o a white Oak by Birtch Run, thence South sixty Degrees East wenty-six perches to a white Oak, South eighty Degrees East ixty-four perches to a Hickery, East North East eighty perches o a black Oak, North sixty-two Degrees East one hundred & wenty-six perches to a black Oak, North seventy Degrees East ne hundred & thirty perches to a Walnut tree, North sixty-ight Degrees East forty-eight perches to a Chesnut tree, East fty-two perches to a black Oak, South eighty-five Degrees East wenty-four perches to a Chesnut tree, East twelve perches to black Oak by a smal Run near Samuel Morris's Settlement, hence North sixty-eight Degrees Easterly fifty perches to a white ak by Vincent Schoolhouse, thence North eighty Degrees East-rly seventy-four perches to a black Oak, North eighty-five De-rees Easterly eighty-six perches to a black Oak, North sixty De-rees East seventy-six perches to a Poplar tree, North eighty-five egrees East one hundred & twenty perches to a black Oak, North ighty Degrees East forty perches to a Hickery, East sixty-four erches to a black Oak, North eighty-eight Degrees East eighty erches to a black Oak near William Davids' Barn, thence South ty-five Degrees Easterly one hundred & four perches to a white ak in the Land late of Joseph Pike, thence South seventy-three egrees East fifty perches to a Hickory, South sixty-five Degrees ast twenty-six perches to a white Oak, South seventy Degrees asterly twenty-four perches to a Hickery, South seventy-four De-ees Easterly forty-four Perches to a black Oak, East one hundred forty perches to a white Oak, East by South forty-six perches to lack Oak, East South East fifty-five Perches to a white Oak by a n, thence East by South two hundred perches to a white Oak, rth eighty-five Degrees East forty-six perches to a white Oak, nce East one hundred & thirty-six perches to a spanish Oak by aid out Road leading from french Creek to Philadelphia. And e Courses & Distances of the Road which we have begun in the ad aforesaid between the said Division Line & the Iron Works, l laid out to the said Works, & from thence to the end of a Road ich leads from french Creek to Philadelphia, are as follows, Viz^{t}: ginning at a black Oak marked with five Notches standing by ad to Reading Furnace aforesaid in the Line of the Land of illiam Branson, thence crossing the same East sixty perches to a st, thence crossing the land of the said William Branson & the nd of Samuel Nutt East by South one hundred perches to a ite Oak, North eighty Degrees East sixty perches to a Chesnut

... Oak in Lewis David's
of the said Lewis David North thirty-fo
perches to a Chesnut tree, North twenty
perches to a white Oak by a Run, Nort
twenty perches to a spanish Oak by the N
Creek, thence North seventy-four Degre
Hickery, North twenty Degrees East thirt
North sixty Degrees East thirty-one per
smal Run, thence North East ten perches t
Degrees East twenty-two perches to a bla
Degrees East forty-eight perches to a black
Degrees East forty-two perches to a white Oa
thence crossing the same South eighty-four
perches to a Post, East by South forty-four
by a Grave Yard, thence South seventy-eigh
one perches to a Post, South eighty-three De
to a Chesnut tree, South sixty-six Degrees I
a Poplar tree, South seventy three Degrees E
to a Post, thence South eighty-three Degree
four perches to a Rock near the Forge, the
of Samuel Nutt South eighty-three Degrees
South sixty Degrees East twenty perches t
Run, thence crossing the Land of Samuel S
perches to a white Oak, North eighty-eight
perches to a post, North seventy Degrees Ea
a post, North fifty Degrees East forty-one p
thence crossing the Land of Simon Meridi
Degrees East one hundred & thirty-eight pe
ple Tree standing by a Run side at the uppe
leads from french Creek to Philadelphia
December 1727

d laid out as aforesaid, which is hereby declared to be the Highway or Public Road; and It is Ordered that the same be h cleared & rendered commodious for the Publick Service.

Council held at Philadia., January 13th 1737-8.

PRESENT:

Honble JAMES LOGAN, Esqr., President.

Preston, Plumsted, Laurence, } Samuel Hasell, Thomas Griffitts, } Esqrs.

Minutes of the three preceeding Councils being read and

President acquainted the Board that this morning he re- letter from Mr. Hamilton, one of the Trustees of the Loan Office of this Province, giving an Account that a y had been made of some Bills counterfeited in imitation Bills of Credit of this Government, a parcel of which coun- unsigned the President laid before the Board, & informed at one Robert Savory had voluntarily made this Discovery, oming acquainted at London with one William Bodie, a f an dishonest Character, who had lived in Bucks County, Province, was by his means made privy to the Design, that vas now attending, in order to declare his knowledge of the efore the Board, & he being called in & examined, gave a e of the Matter, which the Board judging proper to be Oath, & that he should be more particularly examined several Circumstances, Messrs Plumsted & Laurence are d a Committee for that purpose, & to report the said Ex- n to the Board at their next meeting; And the Board being pinion that a diligent Enquiry should be forthwith made for ho, if returned from Britain, may probably be found near the his former Residence, It is Ordered that a proper Person ched by the President into the County of Bucks for this

At a Council held at Philadia., February 3d, 1737–8.

PRESENT:

The Honble JAMES LOGAN, Esqr. President,

Samuel Preston,	Ralph Assheton,	Esqrs.
Anthony Palmer,	Samuel Hasell,	
Clement Plumsted,	Thomas Griffitts,	
Thomas Laurence,		

The Minute of the preceeding Council being read and approved,

The Members to whom it was referred to take the Examination of Robert Savory, reported the same this day to the Board, and it was read in these Words:

"The Examination of Robert Savory, of Bednall Green Gardner, married, aged about forty years, taken before Clement Plumsted and Thomas Laurence, Esqrs., two of the Members of the Council for the Province of Pennsylvania, & Justices of the Peace for the City & County of Philadelphia.

"The Examinant saith, that for some years he served William Franklyn, of Bednall Green, Brewer, whose Son William, returning from America, brought the Examinant acquainted, about September, one thousand seven hundred & thirty-six, with one William Bodie, who had come Passenger from Boston in the same Ship with the said William Franklyn, the younger; that the Examinant & the said Bodie becoming intimate, & often meeting together at one John Parker's, who keeps a publick House in Spittlefields, Bodie told the Examinant that he, said Bodie, had lived in Pennsylvania, in America, where there were Paper Bills current, equal almost to Sterling money; that he had received Orders from the Proprietors of Pennsylvania to gett some Paper Money Bills printed in London, & shewed the Examinant two he had brought for Patterns, the one being a half Crown Bill of Pennsylvania Currency, & the other a Crown Bill of the Counties on Delaware, on which last there was an Escutcheon, bearing the British Arms, with the Word Delaware. That the said John Parker desired the Examinant to assist the said Bodie in showing him the Town, to witt, London, & where he might find proper Persons to cutt the Plates, and to print the Bills alike to those which he had brought over; that accordingly this Examinant went to several Places with the said Bodie, particularly to one William Pennock, a Wood Cutter, in Jewin Street, near Aldersgate Street, who undertook to cutt wooden Dyes for the half Crown Bills; and then they went to one ——— Halfhide, an Engraver, in the Minories, who undertook to cutt a Plate for the Crown Bills; That the Examinant & Bodie becoming more closely intimate, & discoursing freely together, Bodie told the Examinant about Christmas, One thousand seven hundred & thirty-six, that the Bills which were to be printed off were not for the Proprietors

nsylvania, as he, the said Bodie, had given out, but were for himself and his own private benefit; that if they could be l off exactly alike with those he had brought over, which urrent in Pennsylvania, he could easily gett the Names signed ıe in New England who could do them extraordinary well, ıs the Bills would be equal to so much Money, & offered to aminant to lett him in for a share of the advantage, as he en at some Trouble in assisting him, the said Bodie; The ıant acknowledges that this Prospect of Gain, without con- g the Hazard that attended it, induced him to become ser- e and assisting to the said Bodie, who having afterwards got den Dyes from Pennock, a Number of half Crown Bills were off by a Printer in Aldersgate street, whose name the Exam- loes not remember, to the value of Seven hundred pounds, ie told the Examinant, but Half hide, the engraver, refusing Bodie have the Plate for the Crown Bills, unless he would curity to keep the said Halfhide harmless, in case any undue ould be made of it, no Crown Bills were printed off, as far Examinant knows; That the Examinant & Bodie sett out ondon for Bristol with the Bills aforesaid, in order to take ıg from thence for Pennsylvania, when the Deponent begin- consider the Affair he was going about, grew uneasy in his ınd revealed the whole matter to one Joseph Allen, a person ed in the Service of the East India Company, who was then tol, & with whom the Examinant was acquainted, whereupon, l Allen diswaded the Examinant from prosecuting the design, nting it as highly dangerous, & what might possibly bring the ıant to a Rope. The Examinant, upon this Advice from his determined to have nothing further to do with Bodie; but aminant having thrown himself out of Business, & sold off art of what he had in the World, was ashamed to return to the f his former Habitation, & therefore determined to come into a & seek his Living there; that upon imparting this Resolu- his to Bodie, he appeared much surprized & alarmed, & used ours with the Exam^{t} to confirm him in the Prosecution of st Design; but the Examinant being sensible of the Danger, d in the Resolution of leaving Bodie, who then pressed the Ex- t to take a Share of the Bills, which the Exam^{t} refused, say- y could be of no Service to him; but Bodie's telling the Ex- t they would pay his Passage, gave him a Bundle of them in a erchief, which the Examinant took, not intending to make any Use of them than to discover Bodie's Design, who had by of it brought the Examinant into great Trouble and Sorrow; Bodie told the Examinant if he came to America he might f him, the said Bodie, near to Dobbs' ferry, about thirty from New York, at one Houston's, whose Daughter the said had Married. And the Examinant further saith, that leaving d Bodie at Bristol, the Examinant took a Passage on board

the Billinder Hawkins, John Cole, Master, for South Carolina, & arriving in Charlestown the Examinant was soon after taken ill, & being attended in his Sickness by one Doctor Killpatrick of Charlestown aforesaid, the Examinant acquainted him with the whole Affair as above narrated, & showed some of the Bills to him, giving him one of them & desiring he would send it to Pennsylvania, which the said Doctor Killpatrick promised he would; That the Examinant recovering from his Indisposition, resolved to travel to Pennsylvania in order to make a Discovery of the whole Affair as far as he knew of it; and having left his Chest, wherein several of the said unsigned Bills are, in the Custody of one Thomas Lamson, a Tavern keeper in Charlestown, the Examinant brought a parcell of them hither, which he hath delivered up to Andrew Hamilton, Esq^r^ one of the Trustees of the General Loan Office of Pennsylvania, and declares that he hath faithfully kept all the Bills which he received from the said Bodie, without giving away or passing any one of them, except that to Doctor Killpatrick aforesaid; And that the Narrative above given of the Examinant's Knowledge and of his Proceedings, is just and true in every particular.

"RO. SAVOREY.

"Taken at Philadelphia the 16th day of January, 1787–8, on the Oath of the said Robert Savory, Before us,

"CLEM. PLUMSTED,
"THO. LAURENCE."

The Board were likewise informed, that the Express dispatched into Bucks County to enquire about William Bodie, being returned, brought an Account that he was not to be found, but that Mr. Langhorne had undertaken to use all possible Endeavours for discovering & apprehending him. Upon considering the whole of this matter, the Board are of Opinion that a Copy of the foregoing Examination should be sent by the first Opportunity to the Governor or Commander-in-Chief, for the time being, of the Province of South Carolina, & that he should be requested to order Savory's Chest to be carefully searched, & the counterfeited Bills to be secured & transmitted hither, and to cause Lamson, in whose Custody the said Chest was left, to be examined touching his Knowledge of the said Savory and of the counterfeited Bills; & further, that an Enquiry should be made of Doctor Killpatrick touching the truth of the Circumstance wherein that Gentleman's Name is mentioned by Savory, that it may be known how far the Discovery made by him is true & genuine in its several Parts. And It is recommended to the President to write to the said Governor or Commander-in-Chief accordingly.

A Petition of John Remington, Attorney at Law, delivered to the President, was by him laid before the Board and read, setting forth that the Petitioner was unfortunately deluded & drawn into the idle Diversion of performing the Ceremony of making a free

Mason, in Order to which a Sport called Snap Dragon was prepared, at which the Petitioner was perswaded to be present; that unhappily some of the burning Spirit used in this Sport was thrown or spilt on the Breast of one Daniel Rees, which so burnt or scalded him that in a few days after the said Daniel dyed; That Doctor Evan Jones had been indicted as Principle for the Murder of the said Daniel Rees, & by a Jury of the County was found guilty of Manslaughter; That the Petitioner was also indicted as aiding & abetting the said Evan Jones, and altho' no Evidence did or could appear to prove that the Petitioner had any hand in the throwing or spilling the said Liquor on the Body of the said Daniel, or was privy to any Design or Intention of doing harm to the said Daniel, or to any other Person, yet the same Jury had brought in a Verdict of Manslaughter likewise against the Petitioner, which if put in Execution would tend to the utter Ruin of the Petitioner, his Wife, and two small children, & therefore humbly praying that the President & Council would be pleased to grant him a Pardon; Whereupon the Board are of Opinion that the Petitioner should be pardoned the Manslaughter aforesaid, and the burning in the hand, which by reason thereof he ought to suffer; But it being observed that in the Course of the Tryal a certain wicked & irreligious Paper had been produced & read, which appeared to have been composed by the said Remington, who had made the aforesaid Daniel Rees repeat the same, as part of the form to be gone thro' on initiating him as a free Mason; the Board therefore agreed that the Pardon should be so restricted as that it might not be pleaded in Bar of any Prosecution that should hereafter be commenced against the said Remington on account of the said scandalous Paper.

At a Council held at Philadia., February 27th, 1737–8.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston, Samuel Hasell,
Clement Plumsted, Thomas Griffitts, } Esqrs.
Thomas Laurence,

The Minute of the preceeding Council being read and approved,

The President acquainted the Board that the Supreme Justices having lately held a Court of Oyer and Terminer & Goal Delivery, at Philadelphia, for the City & County of Philadelphia, had made Report to him of their Proceedings, that one John Wood being found guilty of Burglary, had received Sentence of Death, but that he had been recommended by the said Justices as an Object of Mercy; And a Petition of the Criminal, supported by another of sundry Inhabitants of the County of Burlington, in West Jersey, amongst whom he had formerly resided, & behaved himself honestly,

Counties to the late Governor & C
rected to certain Persons, for layin
tation of John Harris, on Sasqueha
pursuance whereof they had, after
Time, & Toil, laid out the said Roa
in with the Lancaster Road in Whi
of Chester, being in length about
thereof being made to this Board t
the twenty-fourth day of March la
Justices of the said Counties, whe
Highways within the County of Lanc
to be well cleared thro' their Count
Overseers in Chester County had beer
ing & clearing it within that County
that the Courses & Distances, as the
Road was laid out, are not strictly ag
tances mentioned in the Return afor
conceived it very difficult, if not altog
veyor or Chain men to take the Cou
Road thro' the bushy & rough Woods
agree with the Account of an other S
ment and other Chain men; and the
by Persons appointed, the trees plain
& confirmed, the Petitioners appreher
now altered; Wherefore they pray tha
the said Road, according to the true
Confirmation, but that, in Order to de
would perplex or protract the Petitione
out of the way by the Lands or Hou
or set up T

dentials, & thinking themselves unable to bear the Charge of a Review, the said Road was confirmed; That not only great Irregularities have hapned in laying out the same, being marked for about twelve Miles through the said townships on a multitude of very different Courses, crossing several Mountains and rocky and low Grounds, where it is impossible, or at least very difficult to make a Road fitt for Carts & Carriages to pass, & where it is very injurious to the Lands of many of the Petitioners, but likewise the Courses & Distances thereof, as the same are returned, being since truly run & measured, are found in many Places to vary above a quarter of a Mile from the Line of Trees marked for the said Road, & to cross several good Plantations & peices of Meadow Ground where a Road was never intended to be laid. And forasmuch as a Road much more usefull to the Publick than that so erroniously surveyed & returned as aforesaid, & not in the least prejudicial to any Body, can be had to the high Road aforesaid leading to Philadelphia, The Petitioners therefore Pray that this Board will be pleased to Order a sufficient Number of substantial Freeholders to lay out the same from the Division Line between the Counties of Lancaster & Chester to the said High Road leading from Lancaster to Philadelphia.

With the last recited Petition was exhibited a Copy of an Entry made in the Court of Quarter Sessions of the Peace for the County of Chester, in these Words:

"Chester, ss.

"At a Court of Quarter Sessions held and kept at Chester for the said County, the twenty-ninth day of November, Annog. Dom., 1737, Before Richard Hayes, John Crosby, Joseph Brinton, Caleb Cowpland, Esqrs., Justices Present. It is thus Contained, viz.:

"Upon the Application of severall of the Inhabitants of the Townships of Whiteland and Caln, & for the Clearing of the Road laid out by Order of the Governor & Council from Harris' Ferry, in or near Paxton, to Edward Kinnisson's in the Valley. Whereupon the Court taking the same into Consideration, and by the Information of several Persons, that to clear the said Road would be altogether Impracticable, by Reason the Courses & Distances therein is in many places exceeding Irregular; Therefore prays that the Honourable President & Council would be pleased to take the same into their Consideration, & make such Order for the Regulation thereof as to their Honours may seem most Convenient.

"To the Honble President & Council for the Province of Pennsylvania, &c"

A true Copy P. to Parker Cler.

—

In Support of which Petition against the said confirmed Road, a

Gentleman of the Law attending & praying to be heard, Mr. Hamilton was admitted & heard; And the Board being informed that Mr. Eastburn the Surveyor General had lately run & measured several of the disputed Courses & Distances, he was sent for, who attending was called in, & gave an Account that he had taken the Courses & Distances of that part of the said Road lying within the County of Chester, that tho' there was some small Variation between the Line of marked Trees & the Courses laid down in the Return, yet that he did not look upon the same to be any wise material, or to be greater than would happen between one Artist & another, allowing for the Difference of Instruments and Chain Carriers.

Mr. Hamilton & Mr. Eastburn being withdrawn, The Board are of Opinion, that the Petitions aforesaid be continued under Consideration, and as none of the Petitioners for the confirmed Road do now appear, It is Ordered that both Parties have Notice to attend this Board the twentieth day of March next, to be then fully heard on the Subject of their respective Petitions.

At a Council held at Philadia., March 14th, 1737–8.

PRESENT:

The Honble JAMES LOGAN, Esqr., President,

Samuel Preston, Thomas Laurence, } Esqrs.
Clement Plumstead, Thomas Griffitts, }

The President laid before the Board a Representation transmitted to him from the County of Lancaster, signed by Mr. Blunston, which being read gives an Account, that about eleven a clock on Sunday night, the fifth current, two Indian Young Men coming into the House of Samuel Bethel in Lancaster town, one of them having a drawn knife in his hand, and asking for drink, they were with some Difficulty perswaded to leave the House, & the Door being fastned, one of them with Violence darted a Board thro' a Glass Window; that two Men, to witt, Daniel Southerland & John Iverson, going out to prevent those Indians from doing further Mischief, one of them wounded Southerland in the Belly with a Knife, & turning to Iverson stabbed him also in the Breast; that tho' neither of the Wounds are apprehended to be mortal, yet both of them, especially Southerland's, are yet very ill; That next morning some Persons from Lancaster town went after those Indians & brought one of them back, whom they secured in Prison, but the other Indian could not be found, tho' sought for by his own People That Mr. Blunston had hereupon conferred with some of the Indian old Men, who had desired that an Account of the Matter might be sent hither, & that upon their receiving a Letter from hence they

would call their chief People together and take Counsel on the Affair.

The President added that the Messenger from Lancaster had informed him that the Indians, being under a great Surprize and about to leave their town, on hearing one of their People was committed to Prison, it was thought prudent, especially as the wounds were not believed to be mortal, to release the Prisoner on the Indians becoming bound to produce him when required.

The Board entering into the Consideration hereof, delivered their Sentiments of what they conceived necessary to be done on the present Occasion, & agreeably thereto the following Letter having been prepared was signed by the President, in order to be transmitted to Mr. Blunston, to be by him laid before the Indian Chiefs in and about Conestogoe:

"Philadia., March 14th, 1737–8.

"Our Friends and Brethren:

"On receiving an Account of the late barbarous action committed by two of your young Men in Lancaster town, upon the Persons of two of our People, we were wery much concerned for the folly and wickedness of it, and say thus to you upon that Subject:

"You are fully sensible that by the many past Treaties between you and us, it is in the firmest manner established & agreed that we should be all as one People; that Wrongs done by any of either side should be redressed & the Offenders punished without any Distinction, and you well know that when any of our People have taken the Life of an Indian, the guilty Persons have been putt to death for it as if the Injury had been done to one of ourselves without any Difference; therefore, when any of yours are guilty of any such Crime, we do expect they shall in like manner be punished for it; and in all Cases of this Nature we consider the guilty Person only, if he be a Christian; no other Christian or white Man is putt to any trouble; & in the same manner if he be an Indian, we do not account any other Indian answerable for it but the guilty only, and he alone is to be punished; Only this is to be remembred, that if any of our People committ a Crime and fly for it, our Officers and People search after them and must find them, and so we expect that when any of yours committ a Crime, your People shall undertake to find them, and cause them to be kept in Prison till they can be prosecuted & punished; but if the Offence is not Murther or some such grievous Crime, we sometimes let them have their Liberty out of Prison, when one or more good Men will become bound for their Appearance, and will produce or bring them forth when called on by the Government, to be punished either in their Bodies or to be fined in a Sum of money to make Satisfaction for their offence; And this Method we perceive our Officers & good friends, Samuel Blunston and the other Magistrates, have

taken with the young Man whom they seized for committing that cruel Act on Persons who had done him & his Companion, who has fled no manner of Harm, but were endeavoring only to restrain their Violence and make them quiet after they had broke the Window of a House to pieces, without any Provocation.

"This Proceeding of Samuel Blunston and the other Majistrate you must, without doubt believe, was an Act of great Mildness towards you, and such as would scarce have been Shewn to any white Men in the like Case. You cannot, however, but well know in yourselves, that if either of the wounded Men should die of their Wounds, those that gave the Wound should suffer for it in the same manner as if a white Man had done the Act; and if this should happen, we shall expect that not only the young Man whom our Officers seized and have since trusted to your keeping, but the other also who hath fled, shall be apprehended, and be both delivered up to be punished; but if the wounded Persons recover, as we hope they will, those two Offenders besides making Satisfaction to the Sufferers, should pay all the Charge of their Cure and of nursing and keeping; and if the two Indian young Men are not able of themselves to do this, their friends should help them & do it for them, till by their own Diligence in Hunting they can make Satisfaction; they must likewise faithfully promise to behave themselves well & peaceably towards all our People for the future, that no just Cause of further Complaint may be given against them. And on this Occasion we would desire you to caution all your young Men not to come amongst our People with any dangerous Weapons, that all further Mischief may be avoided, for we must all live friendly & peaceably together; we are to take Care that none of our People shall hurt yours, and you must take the like Care that none of yours be disorderly or hurt any, either white Men or Indians. And as we cannot doubt but in this and all other Cases you will shew yourselves true & good Men, by faithfully performing what you have repeatedly engaged by your Treaties with us, we desire that you who are innocent may not be under any fear or Apprehension, for we should not think you accountable more than our own People, the white Men that inhabit there; And in this we desire you to rest satisfied, and are

"Your true friends and Brethren,

"In behalf of the Proprietor and the Council,

"JAMES LOGAN.

:d,

esuming the Consideration of the Petitions for and against
id confirmed in Council the 24th of March last, the Board
r made the following Order:

reas, upon a return made to this Board of a certain high
aid out from the Plantation of John Harris on Sasque-
thro' the Counties of Lancaster and Chester, till the same
with the high Road in Whiteland township, at or near the
ion of Edward Kennison in the last-named County, the Road
d was, by an Order of Council of the 24th day of March last,
d and confirmed: And Whereas, two Petitions were pre-
nd read at this board the 27th ult^o^ the one of divers Inhabi-
f the townships of Calne, Whiteland, and Uchland, in the
of Chester aforesaid, setting forth the great Inconveniency
part of the said Road which passes thro' the said townships,
t there is a very considerable Variation between the Courses
as returned to this Board and the Line of marked Trees,
ch Reason the Justices of the said County had delayed issu-
lers to the Overseers of the Highways for opening and
the same, and therefore praying a Review thereof within
County, The other being a Petition of divers Inhabitants
ounty of Lancaster, setting forth the general Conveniency
said confirmed Road, and that the Difference, if any, be-
he Courses in the Return & the Line of marked Trees is
lerable, and therefore praying that no Alteration may be
the Road aforesaid; The Consideration of which Petitions
his day resumed, the parties, pursuant to Notice given them,
ending were fully heard, and it evidently appearing to the

both Country and Travellers; and that they the said Six Persons, or any four of them agreeing herein, do make Return thereof by Course and Distance with a Draught to this Board, on or before the first day of May next ensuing.

At a Council held at Philadia., April 25th, 1738.

PRESENT:

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston,	Ralph Assheton,	Esqrs.
Clement Plumsted,	Samuel Hasell,	
Thomas Lawrence,		

Whereas the Board have this day received Information that upon an application lately made to one of the Justices of His Majesty's Peace for the County of Philadelphia proper, Warrants were by him issued directed to several Constables for removing sundry Racks & other Obstructions erected and laid in the River Skuylkill to the Hindrance of the Navigation thereof, and contrary to an Act of General Assembly of this Province in that Case made and provided; That the said Constables having called a convenient Number of Persons to their assistance, were proceeding in the legal Execution of the Warrants aforesaid on the 20th day of this instant April, when they were violently sett upon & assaulted by a great Number of Men riotously and tumultuously assembled armed with Clubs, Staves, and other Weapons, who knocked down one of the said Constables and bruised & wounded several of their assistants, whereby the said Officers were obstructed in the lawful Discharge of their Duty. To the end, therefore, that those Rioters may be speedily brought to condign Punishment, the Board doth hereby recommend to the Justices of His Majesty's Peace within the Counties of Philadelphia & Chester respectively, that they issue their Warrants for apprehending all such Persons against whom Proof shall be made on Oath or Affirmation of their having been concerned in the said Riot and Outrage, in Order to be proceeded against according to Law; and that they, the said Justices, exert the Powers wherewith they are invested for the Preservation of His Majesty's Peace and the good Order of Govornment in those parts where the late Tumult arose, or others may be likely to arise. And the Sherifs of the said Counties of Philadelphia & Chester respectively are hereby enjoyned & required, with a sufficient Assistanoe if need be, to cause the said Warrants to be duly executed.

At a Council held at Stenton, May 15th, 1738.

PRESENT.

The Honble JAMES LOGAN, Esqr., President.

Samuel Preston,	Ralph Assheton,	Esqrs.
Anthony Palmer,	Samuel Hasell,	
Clement Plumsted,	Thomas Griffitts,	

The Minute of the 14th of March and of the preceeding Council were read and approved.

Whereas, by an Order of this Board the 22d of March last, Caleb Peirce, Samuel Levis, Aaron James, Moses Key, Thomas Gilpin, & Samuel Bunting were appointed to review that part, lying within the County of Chester, of a certain high Road, laid out from the Plantation of John Harris, on Sasquehannah, thro' the Counties of Lancaster & Chester, till the same falls in with the High Road in Whiteland township, at or near the Plantation of Edward Kennison, in the last named County, to make such alterations therein as might best Answer the Intention of accomodating both Country & Travellers, & that they or any four of them agreeing, should make Return thereof by Course & Distance with a Draught to this Board. Which Return, under the hands of the above-named six, persons, was this day presented and read in these Words:

"In Pursuance of an Order of a Council held at Philadelphia, March 22d, in the year 1737–8, which said Order is hereto annexed, We whose names are hereto subscribed have reviewed that part of a certain high Road in the said Order mentioned, that lies within the County of Chester, passing thro' the Townships of Nantmel, Caln, Vwchland, and Whiteland, and for the better accommodating both Country & Travellers, We have made some small Alterations in some parts thereof from the manner in which the same was formerly laid out. The Courses and Distances as we have laid out the same are as follow: Beginning at a marked black Oak in or near the Line dividing the Counties of Lancaster & Chester, where the said Road was formerly laid out, and proceeding thence within the last-mentioned County, thro' the Townships aforesaid, by lines of marked trees first, South seventy-seven Degrees East forty-five perches to a black Oak, thence South sixty Degrees East one hundred & forty pches to a white Oak, South sixty-six Degrees East fifty-two pches to Edward Nicholas' fence, South eighty-three Degrees East forty-six pches to a spanish Oak, South sixty-five Degrees and a-half East one hundred forty-two pches to a small Chesnut treet, South forty-four Degrees East thirty-five pches to a Gum tree, South thirty-seven Degrees East eighty-eight pches to a Hickery, South fifty-one Degrees East eighty-eight pches to a small Hickery, South twenty-four Degrees East one hundred fifty-seven pches to a small black Oak, South forty-one Degrees & a-half East

[illegible] pches to a black Oak, South eigh
seventy-two pches to a Hickory, South
half East three hundred seventy-two pcl
forty-four Degrees East seventy-four pch
fifty Degrees East ninety-two pches to a
two Degrees East three hundred & four
tree near the Presbyterians Meeting hous
East seventy pches to a Chesnut tree, Nor
hundred forty-two pches to a black Oak,
East ninety-two pches to a small Chesnut
grees East thirty-eight pches to a black Oa
seventy-four Degrees East twenty-six pche
sixty-nine Degrees East one hundred & f
tree, South eighty Degrees East one hun
Chesnut tree, South eighty-eight Degrees
four pches to a small Hickery, South seven
hundred & thirty pches to a black Oak, So
East twenty-four pches to a black Oak, Sou
East fifty-two pches to a Hickery, South fo
thirty-one pches to a small Hickery, Sou
forty-five pches to a Hickery, South fifty-th
three pches to a white Oak, North sixty-tw
pches, crossing a branch of Brandywine, to
hundred fifty-two pches to a Chesnut tree
grees East one hundred forty-two pches
forty-two Degrees East sixty-eight pches,
Brandywine, to a black Oak, South seve
thirty-two pches to a white Oak, North e
thirty pches to a Hickery, North seventy-s
hundred & six pches to a small [illegible]

Degrees & a-half East one hundred eighty-four pches to a Peach tree, South eighty-seven Degrees East one hundred & eight pches, passing near Vwchland meeting house, to a black Oak in an old beaten Road, thence along the same North eighty-one Degrees East forty-two pches to a black Oak, and North seventy-eight Degrees East sixty pches, and North seventy-seven Degrees East fifty-two pches to a Chesnut tree, and South eighty-seven Degrees East ninety-six pches, thence leaving the said Road, & running South-East fifty-two pches to a fence of Cadwalader John's field, South thirty-six East one hundred & thirty pches, part thereof along the aforesaid old Road, to a white Oak, South sixty-three Degrees East ninety-two pches to a black Oak, South forty Degrees East thirty pches, South twenty-eight Degrees East sixty-five pches to a white Oak, South seventy-five Degrees East fifty-two pches to a small Hickery, South seventy-seven Degrees East one hundred & fifty pches to a small white Oak, South seventy-four Degrees East two hundred & six pches to a white Oak, South sixty-one Degrees East thirty pches to a high Road leading from the Town of Lancaster to Philadelphia, thence along the same the several Courses & Distances following, South eighty-three Degrees East thirty-one pches, South eighty-five Degrees East fifty-six pches, North eighty-eight Degrees East one hundred forty-eight pches, South eighty-eight Degrees East eighty-seven pches, South eighty-four Degrees East sixty-one pches, near to James Trego's house, North seventy-five Degrees East forty-three pches to a run of Water, North eighty-two Degrees East twenty-nine pches, South seventy-eight Degrees East fifty-four pches, South seventy Degrees East ninety-one pches, North eighty-four Degrees East thirty-five pches to a run of Water near the dwelling house late of Edward Kinnison, dec^{d}, in the township of Whiteland aforesaid (in all twenty-one Miles & one hundred ninety-five pches). In Testimony whereof we have herehereunto set our hands this twenty-ninth day of the second Month, in the year 1738.

"Caleb Peirce,	"Moses Key,
"Samuel Levis,	"Thomas Gilpin,
"Aaron James,	"Samuel Bunting."

The Board, on due Consideration had of the said Return, and of the Draught accompanying it, do approve, establish, & confirm the Road aforesaid as now laid out and reviewed, agreeable to which Return the Confirmation formerly made by an Order of Council of the twenty-fourth day of March, 1736–7, is directed to be amended, and the said Road is hereby declared to be the King's Highway or Publick Road, and It is Recommended to the Justices of the Peace for the County of Chester, that they, at their next ensuing Quarter Sessions, issue Directions to the Overseers of the Highways for causing the said Road to be opened & cleared, so that it may be rendred commodious for the Publick Service.

At a Council held at Philadelphia, June 1st, 1738.

PRESENT:

The Honourable JAMES LOGAN, Esqr., President.

Samuel Preston,	Ralph Assheton,	Esqrs.
Anthony Palmer,	Samuel Hasell,	
Clement Plumsted,	Thomas Griffitts,	
Thomas Laurence,		

The Honourable George Thomas, Esquire, arriving this morning with a Commission to be Lieutenant Governor of this Province and Counties of Newcastle, Kent, and Sussex, on Delaware, two Members of the Board were sent to wait on Him, and to introduce Him, who, coming into Council, laid before them the Commission from the Hon^ble^ The Propreitaries, constituting Him their Lieutenant within the said Province and Counties; His Majestie's Order in Council of the 15th of February last, declaring His Royal Approbation of the said Appointment, His Majestie's Order in Council of the same date to the Governor-in-Chief of His Majestie's Leeward Charibee Islands, or the Lieutenant Governor of any of the said Islands, to administer the Oaths required by Law to be taken by the said George Thomas, Esq^r^ upon this Occasion with the Oath of Office, and to take security for his Observance of the several Acts of Trade and Navigation, and obeying the Instructions relating thereto, And a Certificate under the hand of the Lieutenant Governor of Antigua that he had administer'd those Oaths and taken the Security requir'd; all which were now read at the Board. Whereupon the Keeper of the Great Seal was directed to Affix the same to the Commission aforesaid, in order to its publication pursuant to a Warrant for that Purpose under the Hands and Seals of the Proprietaries.

The Commission being returned Sealed, was forthwith published at the Court House, & the same, together with the Other Papers Accompanying it, are ordered to be entered on Record.

—

At a Council held the same Day.

PRESENT:

The Honourable THOMAS PENN, Esqr., Proprietary.

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

James Logan,	Ralph Assheton,	Esquires.
Anthony Palmer,	Samuel Hasell,	
Clement Plumsted,	Thomas Griffitts,	
Thomas Laurence.		

It is Ordered that a Proclamation in the usual manner for con-

tinuing all the present Officers in the Exercise of their respective Offices within this Province till further Consideration should be thereof had, be prepared by the Secretary, to be signed by the Governor, and published at the Courthouse of this City, and that Copies thereof be sent into each of the Counties of this Province, with directions to the several Sherif's for publishing the same in their respective Counties.

At a Council held at Philadia., August 1st, 1738.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieutenant Governour.

Samuel Preston,	Ralph Assheton,	Esqrs.
Anthony Palmer,	Samuel Hasell,	
Thomas Laurence.	Thomas Griffitts,	

The Minutes of the 1st of June being read and approved, The Governor laid before the Board a Deposition of one Daniel Cheston, Master of the Sloop William, of Philadelphia, lately arrived in this Port from Bonavista, one of the Southern or Cape de Verd Islands, Setting forth sundry Impositions and Abuses he had suffered from the Governour and Inhabitants of that Island; And that he had made Reprisals on the said Governour by bringing away two of the said Governour's Negroes. With the said Deposition was laid likewise before the Board the Opinion of Mr. Kinsey, the Attorney General, which being read, and the Governour desiring the Sentiments of the Board on this Affair, They were unanimously of Opinion that the said Cheston's behaviour was highly criminal, and a Breach of the Amity Subsisting between the King of Great Britain and the King of Portugal; And that the said Cheston ought to be obliged to enter into Security in the Penal Sum of Two Hundred pounds Sterling, conditioned for the returning of the said Negroes, and for his answering to such Suit or Prosecution as within twelve Months shall be commenced against him in any of his Majestie's Courts for the Premises. And that if the said Cheston shall refuse so to, that the Governour do issue his Warrant for committing him to Custody till he shall give such Security, and the Negroes be seized for the use of the Owner, and be returned by the first convenient Opportunity.

The Governour likewise informed the Board That He had appointed Mr. Thomas Lawrie Secretary and Clerk of the Council of the Province of Pennsylvania, and the three Counties of Newcastle, Kent, and Sussex, upon Delaware, and then adjourned till further Summons.

At a Council held at Philadelphia, August 5th, 1738.

PRESENT:

The Honourable GEORGE THOMAS, Esq., Lieutenant Governour.

Clement Plumsted, Samuel Hasell, Thomas Laurence, Thomas Griffitts, Ralph Assheton, } Esqrs.

The Minutes of the 1st of August being read and approved, The Assembly being to meet on Monday next, the Governour laid before the Board what he intended to say to them on that Occasion, which was approved of.

At a Council held at Philadelphia, August 8th, 1738.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Samuel Preston, Ralph Assheton, Anthony Palmer, Samuel Hasell, Clement Plumsted, Thomas Griffits, Thomas Laurence. } Esquires.

The Minutes of the 5th of August being read and approved, The Assembly having sent five of their Members last night to acquaint the Governour that they were met pursuant to their Adjournment, the Governour desired their attendance at Eleven of the Clock this Day, and having accordingly attended, he spoke to them as follows:

"Gentlemen of the Assembly:

"It is now more than Twelve Months since I was appointed to the Governments of Pennsylvania, and the three Countys of Newcastle, Kent, and Sussex, upon Delaware, and entertained a reasonable Expectation of soon taking upon me the Execution of that Charge, but notwithstanding no Objection was made Either to my Affection for His Majestie's Person and Government, or to my Character, I met with unexpected Delays from the Objections started by Lord Baltimore against your Honorable Proprietary's Right of appointing a Governour for the three Lower Countys, which, however ill-founded, subjected me to a tedious Attendance, And may have disappointed you of some necessary Laws. His Majesty, however, through his great Justice, has been pleased to disregard those Objections, and through his favour to Approve of my Appointment, as well to the Government of the three Lower Countys as to that of Pennsylvania; And I can with great Truth

assure You that I have it much at heart to approve myself in some degree worthy of that Favor by such a regard for his Majesty's Service and the Happiness of this Province, as will bear some, tho' but a faint resemblance, of that Justice, Care, and Affection which his Majesty has so constantly exercised towards his Subjects in General. And I doubt not from your known Attachment to his Majesty and his Royal House, of finding a ready concurrence in every thing that may promote what is so much for my Honour and your Interest.

"Although it may seem unnecessary from the long experience you have had of the Honourable Proprietary's great Affection for the Inhabitants of this Province, Yet I am Particularly enjoyned to Assure you that they earnestly desire to preserve Peace and Harmony in it, and that they shall ever receive the most sensible Satisfaction in promoting what may tend to its Prosperity. And I do this the more chearfully as I am convinc'd of the Sincerity of their Professions.

"I should immediately on my arrival here have called you together, but that I was informed your private affairs required your presence in the Country in that Season of the year. And now, from the little time I have been with you, I perswade myself that it will not be expected I should enter into a particular detail of what may be proper for you to do this Session; And as most of you have been long conversant in the publick Business of the Province, it seems indeed at this time unnecessary.

"I have only, therefore, to entreat you, Gentlemen, to preserve the Character you have so well deserved of a peaceable and conscientious People, by avoiding all strife and animosity, by stifling all party Disputes (if any such shall happen) in the beginning, and by maintaining that christian Liberty which has made this Province the Admiration of all its Neighbours. In me you shall always find a steady regard for your Civil and Religious Rights, as they are the only rational Foundations of Society, as well as a constant Inclination to comply with all your desires, so far as they shall be consistent with my Duty to his Majesty, the Rights of the Honorable Proprietary, and my own Character; And whatsoever shall be inconsistent with these, I am confident you will never ask."

The Governour having laid before the Board a Letter from Daniel Cheston, Master of the Sloop William, who was committed to Goal for forcibly taking off from the Island Bonavista, Two Negroes belonging to the Governour of said Island, and committing several other Acts of Violence there, representing that he could not find Security, and that his confinement must end in his ruin. The Governour proposed to this Board whether he should take his own Recognizance for answering to such Matters as shall be objected against him for the said Actions, within the Space of Twelve Months. Ordered that the Consideration of it be adjourned till the next Meeting.

At a Council held at Philadelphia, August 10th, 1788.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Samuel Preston, Samuel Hasell,
Clement Plumsted, Thomas Griffitts, } Esqrs.
Ralph Assheton,

The Minutes of the 8th of August being read and Approved, The Assembly by two of their Members having desired to know when the Governour would be attended by that House. The Governour appointed four of the Clock this afternoon, when the House attended accordingly, and by their Speaker delivered the following Address:

"To the Honourable George Thomas, Esqr., Lieutenant Governour of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware,

"The Address of the General Assembly of the said Province,

"May it please the Governour:

"We, the Representatives of the Freemen of the Province of Pennsylvania, in General Assembly met, return the Governour Our hearty and sincere Thanks for the favourable Sentiments he is pleased to entertain of the People of this Province, And we do with the same sincerity Congratulate Him upon his safe Arrival with his Family in Pennsylvania.

"As the Disappointment which the People here met with by the unreasonable Delay in the Governour's receiving the King's Approbation, gave them a very sensible concern, so this accession to the Government of this Province, and the Counties of Newcastle, Kent, and Sussex, on Delaware, with the Royal Approbation, after all the vain and ill-grounded Objections made by the Lord Baltimore, to Thy Appointment for the said three Counties, is a great and real Satisfaction to us, And may, we hope, convince our unkind Neighbours that however successfull they may be in imposing on some among themselves with studied and groundless Reports, They will ever find it vain to depend upon Artifice or Misrepresentation, when the Controversie comes to be examined and determined by the wisdom and Justice of that excellent Prince, Our Gracious Sovereign whose constant Care and Concern for the Happiness of His Subjects in General, and this fresh Instance of his Justice and Goodness to us in particular, in his Approbation of thy appointment to be our Lieutenaut Governor, demands our utmost Gratitude.

"Our happy Constitution, secured to us by the Wisdom and Goodness of our first Proprietor and Founder of this Province, so happily continued to us under the Government of his honourable de-

scendants, our present Proprietors, and the Assurances we have from the Governour, of their earnest Desire to promote the Peace and Prosperity of the Province, Justly entitles them to our Affection, and zeal for their Honour and Interest.

"We are obliged to the Governour for his regard to our private affairs in the Country, in not calling this House together upon his Arrival here; And tho' it may be inconvenient for some of us to be absent from our Homes at this Season of the year, yet to so much of the publick Business as seems most proper to be done at this Time, we shall, with that Peace and Unanimity (so justly recommended to us by the Governour) endeavour to give all necessary dispatch.

"We receive with great Satisfaction the Governour's Professions of Regard for our Civil and Religious rights, Blessing (we acknowledge), without the Enjoyment of which no Society can, with any Propriety, said to be happy.

"The deep sense we shall always retain of our own Duty, and the Kings goodness to us—our Affection to the Proprietors, and the Desire we have of approving ourselves deserving of the Governour's kind inclinations to promote the Honour and Interest of this Province, we hope will always prevent our asking any thing of the Governour which may be inconsistent either with his Duty to our Sovereign, the Rights of our Honourable Proprietors, or His own Character.

"The Happiness of being under the Administration of a Gentleman of the Governour's distinguish'd Abilities and well-known Attachment to the principles of Liberty, cannot fail to secure Him the Affections of the People we represent, and an Honourable Support suitable to such a Character.

"The 10th of the 6th month, 1738."

At a Council held at Philadelphia, August 14th, 1738.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieutenant Governour.

Samuel Preston,	Ralph Assheton,	Esqrs.
Clement Plumsted,	Samuel Hasell,	
Thomas Laurence,	Thomas Griffitts,	

The Minutes of the 10th August being read and approved, the Governour informed the Board that in reading the Minutes of Council he had observed that Andrew Hamilton and Tho^{s} Graeme, Esqrs., were formerly appointed members of this Board, and that he cannot find, from the Strictest Examination of the said Minutes, that either of the said Two members have been ever duly suspended.

He desires to know, therefore, what Objection they have to the said members being Summoned, to give reasons why they have not attended this Board; the Consideration of which was deferred to a future Day.

A Bill sent up by the House of Representatives, Intitled An Act for laying an Excise on Wine, Rum, Brandy, and other Spirits, was read, and the Consideration of it deferred until next meeting.

The Petition of John Hyatt and Joseph Prichard, To the Honourable the Governour of the Province of Pennsylvania, in Council, setting forth that they had, by their Petition to the Assembly, Offered to give good Security to collect the Excise to be levied in the County of Philadelphia, and to pay in the money at the rate of five ℔ Cent, which is two and an half p. Cᵗ less than the Assembly has agreed to allow to Joseph Wharton for the same Service, and praying that the Govʳ will direct that their Petition may be re-heard and considered in the Assembly at their next meeting, was read and ordered to lie on the Table.

His Honour having laid before the Board a Letter he this Day received from Governour Ogle, by an Express, Dated the 8th of this instant, complaining that one Evan Shelby, whose residence, he asserts, is within the Province of Maryland, had been served with a Summons by the Sheriff, or some other Officer, of Lancaster County, and that Prosecutions are carrying on in the said County to affect the said Shelby's Lands, and desiring the Governour's interposition. The Governour was requested by this Board to make inquiry into the Facts, and to write Governour Ogle such a Letter as he should think proper in the mean time.

At a Council held at Philadelphia, August 18th, 1738.

PRESENT:

The Honourable GEORGE THOMAS, Esq., Lieutenant Governour.

Samuel Preston,	Ralph Assheton,	Esqrs.
Clement Plumsted,	Samuel Hasell,	
Thomas Laurence,	Thomas Griffitts,	

The minutes of the 14th of August being read and approved. The Bill Intitled an Act for laying an Excise on Wine, Rum, Brandy, and other Spirits, was read, Paragraph by Paragraph, and after several Observations made on it, was ordered to lie on the Table till the next meeting, for a further Consideration.

His Honour, the Governor, then read to the Board His answer to Governour Ogle's Letter, communicated to them at the last meeting.

After which he again desired to know, pursuant to the minute

of the last meeting, whether they had any Objection to Summoning Andrew Hamilton and Thomas Graeme, Esqrs., to give their Reasons for not attending this Board, upon which it was asserted by Sam[l] Preston, Esqr., that Andrew Hamilton acquainted the Board that his Attendance at this Board interfered with his Practice, and desired to be excused from Attending; And by Clement Plumsted, Esqr., that his not attending was Voluntary, the being called frequently to attend the Council interfering with his other affairs; some Objections were likewise made to the Governour's summoning Thomas Graeme, on the account of his former appointment, tho' none to his Character, or to his being appointed de Novo, but those not proving satisfactory to the Governour, as he found he had been regularly appointed, had qualified, had Sat several times at the Board, and had never been excepted against by the Honourable Proprietors, but on the contrary was included under their general instructions to the late Governour Gordon, concerning Councillours, and was never regularly suspended agreeable to those Instructions. He declared his resolution of calling him thither, unless any of the Members could shew sufficient cause to the contrary, at the next meeting; And that he would give his further reasons in writing for so doing, if desired, to be enter'd on the Council Books, and that they might do the same, if they thought fit, in Support of their Objections.

At a Council held at Philadelphia, August 22d, 1738.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Samuel Preston,	Ralph Assheton,	Esqrs.
Clement Plumsted,	Samuel Hasell,	
Thomas Laurence,	Thomas Griffitts,	

The Minutes of the 18th of August being read were approved, as what passed between the Governour and Council that Day,—

The Bill Intitled an Act for laying an Excise on Wine, Rum, Brandy, and other Spirits, being again laid before the Board, and no Objections made, it was returned to the Assembly without any Amendments.

At a Council held at Philadelphia, August 25th, 1738.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Samuel Preston, Ralph Assheton, Clement Plumsted, Thomas Griffitts, Thomas Laurence, } Esqrs.

The Minutes of the 22nd of August being read and approved, the Bill Intitled an Act to remove the Trustees of the General Loan Office of Pennsylvania, and appointing others to execute the said Trust, being Sent to the Governour by the Assembly, was laid before the Board and read.

Ordered, that the said Bill be again read Paragraph by Paragraph, which being done, and the Bill not objected to, it was, contrary to the usual Practice, agreed to be returned to the Assembly the same Day, since it was very plain and contained no material Variation from Bills of the same kind heretofore passed.

His Honour the Governour having laid before the Board a Letter from Daniel Cheston, Ma[r] of the Sloop William, who was committed some time ago for forcibly taking off two Negroes from the Island of Bonavista, and exercising other Acts of Violence there, representing that he could not get Bail, and that he must perish in Gaol unless his Honour would take his own Recognizance for appearing to answer to such matters as should be Objected against him in Twelve Months on behalf of his Majesty. It was agreed that the Governour in Consideration of the two Negroes being already returned, and the Hardships the said Cheston must suffer in the ensuing Winter, do take his own Recognizance for his Appearing as before mentioned.

The Governour sent the following Message to the Assembly by his Secretary:

His Honour the Governour in Council to the Gentlemen of the Assembly:

Gentlemen:—At the Desire of the Council, I herewith send you two Accounts, amounting to Thirty-Seven pounds two Shillings and three Pence, for the Entertainment of Sheick Sedi, a Christian Nobleman from Syria, who came to this City in October last, and produced Credentials and a Recommendation from His Majesty's Principal Ministers of State. As the Assembly was not sitting at that time, the President and Council could not consult them; but from the many private instances of Humanity and Generosity which, I have been informed, were excercised here towards the unfortunate Nobleman, I have no room to doubt of your orders for these Bills to be paid.

EODEM DIE—POST MERIDIEM.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Ralph Assheton, Samuel Hasell, Thomas Griffitts, } Esqrs.

The House of Representatives waited on the Governour, and the Speaker presented the following Bills to be passed into Laws, which were accordingly by the Governour passed into Laws of this Province, and Warrants were issued for affixing the Great Seal thereto, Vizt:

An Act to remove the Trustees of the General Loan Office of Pennsylvania, and Appointing others to execute the said Trust.

An Act for laying an Excise on Wine, Rum, Brandy, and other Spirits.

At a Council held at Philadelphia, August 29th, 1738.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Samuel Preston, Clement Plumsted, Thomas Laurence, Ralph Assheton, Samuel Hasell, Thomas Griffitts, } Esqrs.

The Minutes of the 25th of August being read and Approved,

The Governour laid before the Board His Majesty's Order in Council, received this Day, for quieting the Borderers of the Provinces of Pennsylvania and Maryland, which was read and Ordered to be entered.

At the Court at Kensington the 25th day of May, 1738.

PRESENT:

The King's most Excellent Majesty.

Arch Bishop of Canterbury,	Earl of Selkirk,
Lord President,	Earl of Ilay,
Lord Steward,	Earl Fitz Walter,
Lord Chamberlain,	Viscount Lousdale,
Duke of Bolton,	Viscount Tonington,
Duke of Devonshire,	Lord Harrington,
Duke of Newcastle,	Mr. Chancellor of the Exchequer,
Earl of Scarbrough,	Sr. Charles Wills,
Earl of Granthum,	Henry Pelham, Esq^r^
Earl of Cholmondeley,	Sr. Charles Wager.

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council, for Plantation Affairs, Dated the 4th of this Instant, in the Words following, Viz^t^:

"Your Majesty having been pleased by your Orders in Council of the 17th of March, 1736–7, and the 21st of July, 1737, to refer unto this Committee several Petitions from the President, Council, and General Assembly of the Province of Pennsylvania, and likewise from the Governour & Council, and the Commissary and Clergy of the Province of Maryland, which Petitions represent (among other things) that great Disorders and Outrages have been committed upon the Borders of the said respective Provinces, and humbly Praying your Majesty's most Gracious Interposition and Commands, for the Preservation of the Peace on the said Borders until the Boundarys of the said Provinces shall be finally Settled and Adjusted, The Lords of the Committee of Council did, on the 29th of the said Month of July, take the matter of the said Complaints into their Consideration, And thereupon Reported to your Majesty what they thought most adviseable for your Majesty to Do, in Order to prevent the further Continuance of the said Disorders, and to preserve Peace & Tranquility on the said Borders until the Boundarys should be finally settled. And Your Majesty having approved of what was Proposed by the said Report, was Pleased, by your Order in Council of the 8th of August, 1737, to direct as follows, Viz^t^:

"That the Governours of the respective Provinces of Maryland and Pennsylvania for the time being, Do not, upon pain of incurring His Majesty's Highest Displeasure, permit or suffer any Tumults, Riots, or other Outragious Disorders to be committed on the Borders of their respective Provinces, But that they do immediately put a stop thereto, and use their utmost endeavours to preserve Peace and Good Order amongst all His Majesty's Subjects under their Government inhabiting the said Borders. And as a means to preserve

anquility on the said Borders, His Majesty doth
m the said Governours that they do not make Grants
of the Lands in Contest between the Proprietors
nor any part of the Three Lower Counties, com-
Newcastle, Kent, and Sussex, nor permit any Per-
there, or even to attempt to make a settlement
His Majesty's Pleasure shall be further signified. And
is further pleased to Direct that this Order, together
tes thereof, be delivered to the Proprietors of the said
ho are hereby required to transmit the same forthwith
nours of the said respective Provinces accordingly.

ce the Issuing the said Order, Your Majesty hath been
efer unto this Committee an Address of the Deputy
nd of the upper and lower Houses of Assembly of the
Maryland, relating to a Continuance of the said Dis-
lso two Petitions, the one in the name of John Thomas
Penn, Esq^r^ Proprietors of the Province of Pennsyl-
ig your Majesty's further Pleasure may be signified,
our Majesty's afore-recited Order in Council of the
, 1737, and the other in the Name of the Agent of the
e of Pennsylvania, Complaining of fresh Disorders
y the Inhabitants of Maryland against those of Penn-
hereupon, the Lords of the Committee did, on the 23rd
last, proceed to take all the Papers relating to the
nade by each of the said Provinces into their Consider-
re attended by Counsel on both Sides, and likewise by
ors of the said Provinces, And the Counsel desiring
sonable time might be allowed the Proprietors to con-
in Order to come to some Agreement amongst them-
o the Peace and Tranquility of both Provinces may be
til such time as the Boundarys can be finally Settled.
f the Committee thought proper to comply with such
. And being again this Day Attended by all Partys,
acquainted the Committee that the Proprietors of each
. accordingly met and agreed to the following Proposi-

t so much of His Majesty's Order in Council of the
ust, 1737, as Orders the Governours of the respective
Maryland and Pennsylvania for the time being, do
in of Incurring His Majesty's Highest Displeasure,
ffer any Tumult, Riots, or other Outragious Disorders,
ted on the Borders of their respective Provinces, but
immediately put a Stop thereto, and use their utmost
o preserve Peace and Good Order among all His Ma-
cts under their Government Inhabiting the said Bor-
d in force and be Observed.

there being no Riots that appear to have been com-

mitted within the Three Lower Countys of Newcastle, Kent, and Sussex, on Delaware, It is therefore not thought necessary to continue the latter Part of the said Order in Council as to the said three lower Counties, but that the same former Order in Council, so far as relates to the said three Lower Countys, be Discharged without Prejudice to either of the Proprietors, as if the same had never been made.

"3d. That all other Lands in Contest between the said Proprietors now Possessed by or under either of them, shall remain in the Possession as they now are (although beyond the Temporary Limits hereafter mentioned); And also the Jurisdiction of the respective Proprietors shall continue over such Lands until the Boundarys shall be finally Settled; And that the Tennants of either side shall not Attorn to the other, nor shall either of the Proprietors or their Officers receive or Accept of Attornments from the Tennants of the other Proprietor.

"4th. That as to all Vacant Lands in Contest between the Proprietors not lying within either of the three lower Countys, and not now possessed by or under either of them, on the East side of the River Sasquehannah, down so far South as Fifteen Miles and one Quarter of a Mile South of the Latitude of the most Southern part of the City of Philadelphia, and on the West side of the said river Susquehannah, down so far South as fourteen Miles and Three-quarters South of the Latitude of the most Southern part of the City of Philadelphia; The Temporary Jurisdiction over the same is agreed to be Exercised by the Proprietors of Pennsylvania, and their Governour, Courts, and Officers. And as to all such Vacant Lands in Contest between the Proprietors, and not now possessed by or under either of them on both sides of the said River Sasquehannah, South of the respective Southern Limits in this Paragraph before mentioned, The Temporary Jurisdiction over the same is agreed to be Exercised by the Proprietor of Maryland, and his Governour, Courts, and Officers, without Prejudice to either Proprietor, and until the Boundarys shall be finally Settled.

"5th. That the respective Proprietors shall be at free Liberty to Grant out on the Common and usual Terms All or any Vacant Lands within the said Provinces of Pennsylvania and Maryland in Contest between the said Proprietors (that is to say, within their own respective Sides of the said Several Limits mentioned in the last foregoing Paragraph). For the which Lands and the Profits of the same, also each Proprietor shall account to the other, who may be adjudged to be the Proprietor thereof, upon the final Determination of the Boundarys between the two Provinces.

"6th. That all Prisoners on both sides on account of being concerned in any Riots or Disturbances relating to the Bounds, or for any Act or thing done thereat, or for any other Act touching the

ight of either of the said Provinces in relation to their Bounds, e forthwith released and Discharged on entering into their Own spective Recognizances in a Reasonable sum, to appear and Sub- it to Tryal when called upon by further Order from his Majesty.

"7th. That this be declared to be a Provisional and Temporary der, to continue untill the Boundarys shall be finally settled, and e Declared to be without Prejudice to either Party.

"8th. That His Majesty be most humbly Moved to Discharge so ch of the Order of the 18th of August, 1737, as Varys from is Agreement, and that the several other petitions of Complaint w depending before His Majesty in Council relating to any Dis- rbances, may be withdrawn by the respective Petitioners.

"To which Propositions the Proprietors of each Province signified eir Consent before the Committee, and declared their readiness to rry the same into Execution, if Your Majesty shall be pleased to prove thereof; and the Committee considering that the agreement ay be a proper Expedient for restoring Peace and Tranquility be- een the said Provinces, and for preventing any of the like Dis- rbances for the future, Do therefore agree humbly to lay the same fore Your Majesty for your Royal Approbation.

"His Majesty this Day took the said Report into Consideration, nd in Order to preserve Peace and Tranquility between the said ovinces, and to prevent any the like Disturbances for the future, Pleased, with the advice of His Privy Council, to Approve of e said Agreement entered into between the Proprietors of the d Respective Provinces; And His Majesty is hereby pleased to der that the Proprietors of the said Respective Provinces of ryland and Pennsylvania Do cause the said Agreement to be ried into Execution; Whereof the said Proprietors, and all others om it may concern, are to take Notice and Govern themselves ordingly. JA. VERNON."

Ordered that a Proclamation be prepared reciting His Majestie's l Order, to be published to-Morrow at the Court House of this y, And that printed Copies be made of it to be Transmitted to Proper Officers, to published in like manner in the several Coun- s of this Province, and the Counties of Newcastle, Kent, and ssex, on Delaware.

Samuel Preston and Thomas Griffitts, Esqrs., at the Governour's uire, waited on the Assembly with His Majesty's Order, as a ce of respect due to whatever comes from His Majesty, which Assembly returned with Thanks to the Governour for so doing, two of their Members, and desired a copy of it. Ordered, that Secretary do make out a Copy of the said Order against to- rrow, to be sent to the Assembly.

The Governour having read a Paragraph of a letter he had just

received from Mr. Paris, Agent for this Province, sent the following Message to the Assembly by his Secretary:

"His Honour, the Governour, to the Gentlemen of the Assembly

"Gentlemen:

"Mr. Paris, in a Letter of the 18th of May, which I received by the last Vessel from London, Advises me that the Right Honourable The Lords Commissioners for Trade and Plantations, having been for some time negotiating an Affair of Consequence with a Person who was thought and called Agent for one of the Colonys and finding upon further inquiry that he had not proper Powers of Agency, to prevent such mistakes for the future, sent for the several Agents, and Mr. Paris among the rest, and directed them to lay their several Powers of Agency before the Secretary of that Board that their Lordships might know whom to Transact with and send to on any Occasion; and as the only vote of Agency which was ever sent him under Seal, is of Several years Standing, and in the time of a former Governour, he hopes Your House will come to a new Vote in his Favour, to be laid before the Lords of Trade, pursuant to their Direction. In justice to Mr. Paris, I must add, from the many Occasions I had of Observing his zeal and Diligence for the service of this Province, that you have been very happy in your choice of him, and that I think it will be greatly for the publick Interest to continue him in the Agency by such a Vote.

"GEO. THOMAS."

At a Council held at Philadelphia, September 1st, 1738.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Samuel Preston, Ralph Assheton, } Esqrs.
Clement Plumsted, Thomas Griffitts, }

The Minutes of the 29th of August being read and approved, The Governour communicated to the Board what he had writ to Governour Ogle on the Subject of the King's Order, a Copie of which Order was this Day sent to him by an Express, and the Board approved of it.

A Verbal Message was delivered from the Assembly by two of their Members, desiring to know the Governour's Resolution on the paper-money Bill sent to Him two days ago, which not having yet been considered by the Council, the Governour communicated to the Members of Council present a Message he had prepared, containing his present thoughts of that Bill, which being approved of was sent by the Secretary to the Assembly, and is as follows:

lonour the Lieutenant Governor in Council, To the Gentle-
men of the Assembly.

men:

n but Applaud your Zeal for what you are perswaded concerns
blick welfare, in preparing a Bill for Re-emitting and adding
r paper Currency at a season of the Year which confessedly
a Your presence at Your own Homes; but as this Bill is of
traordinary length—is complicated with others—contains
s quite new to me, and is of the Greatest Consequence, And
precipitate a passage of it may prove destructive to the Bill
and Consequently to the Trade and Estates of every man in
vince, I fear it will require more time to digest it than the
stances of your Private Affairs will now allow me.

Sentiments of the Right Honourable the Lords of Trade
whom this Bill must be laid) on former Bills of the like
The Effect it may have on Trade in General, and particularly
of Great Britain, both in regard to debts now due and what
reafter be contracted, must be well-considered, as well as
r the Additional Sum be not beyond the real Exigencies of
vince, and whether the interest and the Term for repayment
regulated.

n you reflect how low the Credit of New England, Road
Connecticut, Maryland, and Carolina, are fallen by too fre-
nd too Large Emissions of paper-Money, You will not blame
tion, more especially as it is disinterested on my part, and
e no other Tendency than to preserve the Honour of this
urishing Province.

nnot, therefore, doubt of Your having Candour enough to
e the Right of Exercising my Judgment in all matters that
me before me, and more especially in one that so nearly
s the Happiness of the province as well as my Own
tion.

Bill, as it is calculated to be the only Act upon which the
of your whole paper-money will depend, ought to be well
l, distinct and properly expressed, that it may carry with it
dence of Care and good Judgment in the framing, without
it may suffer in the Opinion of Those before whom you
am obliged to lay it.

therefore, as you have Annual Assemblys who sit upon their
djournments, I hope you will not think it unreasonable that
some time and the best information I can get, the better to
me to judge Rightly of a Bill of this Consequence.

GEO. THOMAS.

nas Griffitts, Esqr., having purchased a Flag to be hoisted on
renour's arrrivall, laid the accounts of the Cost thereof be-

fore the Board, on which the following message was sent to the Assembly:

His Honour the Governour and Council, to the Gentlemen of the Assembly:

Gentlemen:

When the Governour was dailey expected from Antigua, it was taken notice of by the President and Council that the province was unprovided of a Flag, and were of Opinion and desired that a good new Flag should be immediately bought and gote ready to be hoisted on the Governour's arrival, which the Mayor of Philadelphia having provided at the Expence of Twenty-three pounds Seventeen Shillings and three pence, as appears by the Account herewith sent, the payment for it is recommended to your House.

At a Council held at Philadelphia, September 2d, 1738.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Samuel Preston, Ralph Assheton, } Esqrs.
Anthony Palmer, Samuel Hasell, }
Clement Plumsted, Thomas Griffitts, }

The Minutes of the 1st of September being read and Approved,

The Governour laid before the Board a Bill he had received from the Assembly, Intitled a Supplement to the Act intitled an Act for imposing a Duty on persons convicted of heinous Crimes, and to prevent poor & impotent Persons being imported into this Province; which was read, and being ordered to be read a second time, Paragraph by Paragraph, was returned by the Governor to the Assembly without Objection.

A Bill intitled an Act for Exchanging all the Bills of Credit now current by any Laws of this Province, for Re-emitting and Continuing the Currency of Such Bills for which the same shall be so exchanged, and for the emitting the further sum of Eleven Thousand one Hundred and Ten pounds five Shillings upon Loan, was read.

The House of Representatives waited on the Governour, and the Speaker presented the following Bill to be passed into a Law, which was accordingly by the Governour passed into a Law of this province, and a Warrant was issued for Affixing the Great Seal thereto, Viz:

A Supplement to the Act imposing a Duty on Persons convicted of heinous crimes, and to prevent Poor and impotent Persons being imported into this Province.

EODEM DIE—POST MERIDIEM.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Samuel Preston, Samuel Hasell, } Esqrs.
Clement Plumsted, Thomas Griffitts, }

The Assembly having sent two of their Members to acquaint the Governour that this evening the House was to adjourn to the 30th of this instant, The Governour desired their Attendance at five of the Clock, and having accordingly attended, He spoke to them as follows:

Mr. Speaker and Gentlemen of the Assembly:

The Good agreement which has subsisted between us during this long Session is, I hope, a happy Presage of the like with all future Assembly's during my Government; And your Attendance on the publick Business at a time so inconvenient to your Private Affairs, deserves the Acknowledgements and Thanks of those you represent.

As I despise all little Acts for the Advancement of my own Fortune, The Present you have already made me unasked, unsollicited, and previous to your entering on Business, and your assurance of an Honourable Support for the time to come, is in every particular manner Acceptable to me, and will engage both my Esteem and Affection, as well as excite my best endeavors for the service of the Province.

The Regularity of your own Behaviour may influence some to the Love and practice of Virtue, but the Corruption of the Generality of Mankind is such as to require the severity of Laws. I earnestly therefore recommend to you, Gentlemen, in your several Stations a strict Execution of them upon such as will be no otherways terrified from the Practice of Vice and Immorality, and I promise you both my encouragement and Assistance.

As you are now to return to your Several Counties, I assure myself that each of you will endeavour to make the People sensible of the great and Valuable Blessings and Priviledges they enjoy, and that an abuse of them will be both displeasing to God and ungrateful to the Memory of the First Founder of this Province, as it will disappoint His Generous Intentions, and in the end prove destructive of their own Happiness.

At a Council held at Philadelphia, September 4th, 1738.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Gc ernour.

Samuel Preston,	Ralph Assheton,	Esqrs.
Anthony Palmer,	Samuel Hasell,	
Clement Plumsted,	Thomas Griffitts,	

The minutes of the 2nd of September were read and Approved

The Assembly at their last meeting observing by their Speaker tha the manner of passing Laws by former Governours had been va rious and uncertain, and desiring that his Honour, the Governor would lay down a certain Rule for the future, He told them tha as the Governours of most other Colonies signed the Laws afte passing them, he would do the like, and direct his Secretary to dat and Countersign them, that by the date and Countersigning it may Appear to His Majesty that the Laws are Transmitted for his Roya Approbation, within the time limited in the Charter Granted by one of his Majestie's Predecessors.

The Governour having informed the Board that James Logan Esqr., had expressed a Resolution of laying down the Office o Chief Justice, and there would be a necessity soon of issuing new Commissions, he was desired to write to Mr. Logan on that head that in case he should Continue in that Resolution, a new Chief Justice might be thought of to Supply his Place.

At a Council held at Philadelphia September 14th, 1738.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Go vernour.

Samuel Preston,	Ralph Assheton,	Esqrs.
Clement Plumsted,	Samuel Hasell,	
Thomas Laurence,	Thomas Griffitts,	

The Minutes of the 4th September being read and Approved,

The Governour laid before the Board the Reports of Doctor Thomas Graeme (who was appointed by his Honour to visit all Ships with Passengers on Board), of the 8th and 13th instant, setting forth the condition of four Ships lately arrived here from Rotterdam and Amsterdam; And it being observed from one of the said Reports that were the Passengers on Board the Ships Nancy and Friendship allowed to be immediately landed, it might prove Dangerous to the health of the Inhabitants of this Province and City, It is Ordered that the Masters of the said Ships be taken into Custody for their

of the Governour's Order, signified to them by Thos.
pursuant to a Law of this Province, to remove to the
one Mile from this City, and that they shall remain in
they shall give security in the sum of Five Hundred
, to obey the said Order, and not to land any of their
Baggage, or Goods, till the Passengers shall have been
Examined, and untill they shall receive a Licence from
ur for so doing; and in case the Master of Either of
ps shall, thro' Sickness, be disabled from Executing the
and giving the Security aforesaid, That then it shall be
the next commanding Officer in health, of either of the
who shall be obliged to execute the said Order and give
aforesaid.

ered, likewise, that Precepts be issued to the Several
to bring up any Ship with Passengers on Board nearer
tance of one Mile from this City, And that a Precept
issued to Thomas Glenworth to see that the said Order
xecuted.

ıcil held at Philadelphia, October 3d, 1738, at the Pro-

PRESENT:

ırable THOMAS PENN, Esqr., Proprietor.

ırable GEORGE THOMAS, Esqr., Lieutenant Gov-

n, Samuel Hasel,
ston, Thomas Griffitts, } Esqrs.
ımsted,

pis (alias Sassoonan) the Chief the Delaware Indians,
of their Acient men, as Owcawyekoman, Saykalm, Sha-
aynachkeemand, Saymuingoe, Opemanachum, Peeskee-
cholecling, Laylachtochoe, Old men, with others, old
as Metaweykoman, Pokanjecchalan, &c., being come to
, in Order to Visit the Governour in this Province on
and being called into the Council, He, Allumapis, in
nself and his People, spoke to this purpose, That when
me at his own House, he heard his Brother, the Gov-
arrived in this Country, and thereupon he resolved to
ladelphia to Visit him, and that now he was glad to see

ng down four Strings of Wampum, he said that he had
between him and us sometimes found some little rubs,
: care on his part to remove every little stick or Grub
ry Impediment that could cause uneasiness, or prevent
rstanding between them and us], And now all was clear

and plain; he had seen the Governour, and every thing was easie to Him.

That his Brother, the Proprietor, told him he should come once a Year to visit him, and that he was come on hearing of the Governour's Arrival, and was Glad to see the proprietor and Governour in good health, and hoped they would long enjoy it.

Then laying down four strings more of Wampum, He said that there had always subsisted a perfect Friendship and good understanding between the Indians and this Government, and it is his Desire and Hope that it will ever continue, and grow Stronger and Stronger, and that it will never be in the power of any to interupt or break it.

That it was formerly said that the English and Indians should be as one Body or one People, half the one and half the other; but they were now to be all as one heart, not divided into halves, but intirely the same without any Distinction. That their Hearts should be equally open on both sides to each other, clear without spot like the Sun in a fair Day without a Cloud from rising to Setting.

That to preserve this good understanding we must on neither side harken to Reports, but when we hear any worth notice we should inquire of each other into the truth of them and beleive only what each other says.

That he heard at home of some murders committed by Indians on some of the white People in Virginia, but not knowing how it was he hoped the Governour could fully inform him here.

Then presenting three small Bundles of Deer Skins in the hair, he said he had brought a few skins to the Governour; they were but a Trifle and of little value, but he had no more, and desired the Governour's acceptance of them to make him Gloves; which is all he has at this time to say to the Governour.

The Governour told them he took their visit and speech very kindly, and would answer them to-morrow; and then they all withdrew.

The Deerskins being afterwards numbered and weighed they were thirty-four Summer skins weighing 80$^{lb.}$ @ 2^{s} comes to £8.

As another present is of course to be made to them in return to this and on their first visit to the Gover$^{r.}$ It is considered that the Old man being now become very weak, and the other Old people with him as well as himself poor and necessitous, the value of £30 should be returned to them in Goods proper for them, which it was agreed should consist of Six Strowd Matchcoats, Twelve Dussells, Twelve Blankets, six hatts, Four shirts, Fifty pounds of Powder and much Lead, a Dozen of knives, a Groce of Pipe with Tobacco, and also that they should be Supplied with some necessary Provisions for their Journey home; All which the Treasurer is desired to provide for them against to-morrow.

At a Council held at Philadelphia, October 4th, 1738, at James gan's, Esqr.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Gov-our.

nes Logan, Ralph Assheton,
nuel Preston, Samuel Hasell, } Esqrs.
ment Plumsted, Thomas Griffitts,
mas Laurence,

His Honour the Governour having laid before the Board the Re-ns of the Elections of Sheriffs and Coronors throughout the vince, for the ensuing Year, the following Persons were ap-nted to those offices:

For Philadelphia City and County, Septimus Robinson and Isaac ch being returned for Sheriffs, and Owen Owen and David Evans Coroners, Septimus Robinson is appointed Sheriff, and Owen ens Coroner.

For the county of Bucks, John Hart and Enoch Anderson being rned for Sheriff, and William Atkinson and James Shaw for oners, John Hart is appointed Sheriff, and William Atkinson oner.

For the County of Lancaster, Robert Buchannan and James Gal-ith being returned for Sheriffs, and Joshua Low and William dwell for Coroners, Robert Buchannan is appointed Sheriff, Joshua Low Coroner.

For the County of Chester, Benjamin Davies and John Parry ng returned for Sheriffs, and Awbray Bevan and Evan Ellis for oner. A Majority of the Board was desirous that Benjamin ies, the first named, should be appointed Sheriff; but James an and Clement Plumsted, Esqr., informing the Governour that n Parry had been Sheriff before, and had executed that office h great Integrity and a becoming Resolution in difficult times, Governour, pursuant to a Law of this Province impowering Him o do, Appointed John Parry to be Sheriff, and Awbray Bevan oner.

nd Commissions are Ordered to be made out for them Accord-y, The Sheriff's giving Security, as the Law Directs.

EODEM DIE ET LOCO.

PRESENT:

The Honourable THOMAS PENN, Esqr., Proprietor.

The Honourable GEORGE THOMAS, Esqr., Lieutenant G ernour.

James Logan, Ralph Assheton, Samuel Preston, Samuel Hasell, Clement Plumsted, Thomas Griffitts, Thomas Laurence, } Esqrs.

The Chief of the Delaware Indians and the other Indians w attended him, being called in, The Governour in answer to w they said the day before, spoke to them as follows, Viz^{t}:

Friends and Brethren:

The Honourable the Proprietors, the sons of your decea Father William Penn, having appointed me their Lieutenant G ernour of this Province, It is a great Pleasure to me to find t by the Care of that Great and Good Man at his first Settling Colony, so firm and solid a friendship was established with all Indian Natives of it; nor did he only establish it himself w present, but he was further Careful that all those whom he appoi in his absence to rule here in his stead, should continue and prove the same. His Children, also, as they have succeeded hin the Inheritance, so they have no less in Affection and Tender for all your People, of which you have already received m Proofs.

For my part, whom you are now come to Visit, I desire that only you, but your Children and all your People, may be Assu that I shall ever use my best Endeavours to maintain and impr the same Brotherhood, Friendship, and good understanding t have hitherto Subsisted between our People and yours, in whic shall act agreeably not only to the Directions of Our Propriet but to my own Inclinations, and from a tender Regard for the G of all your People.

I am pleased with all you said to us Yesterday. I thank you your kind Visit. I am Glad the Road or Path between us is fr cleared, and to your Satisfaction. It must always be both y Care and Ours, not to harken to the reports of idle People, but hear each other Speak. We shall be pleased to see our Sober g Brethren as often as you find Occasion. It was long since agr that you and we should be but as one heart, and that our Bre should be open to each other; and so thus we must ever contin we and our Children, to all Generations; which you must careft imprint on the minds of all your Younger People, and that same may descend to all Posterity. I heartily thank you for y

kind Present, and in return to it give you these goods for your Winter Cloathing and Hunting.

The Governour then gave them the Goods which had been ordered to be provided, and presented at his own Expence to Allummapis, the Chief, a Matchcoat laced with Silver, and a Silver-laced Hat; after which they withdrew.

At a Council held at Philadelphia, October 12th, 1738.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Clement Plumsted, Thomas Griffits, } Esqrs.
Ralph Asheton, }

The Governor communicated to the Board a Letter from Governour Ogle of the 30th of September, with his Answer thereto, which was approved of, and Desired that it be forthwith sent by an Express.

At a Council held at Philadelphia, October 16th, 1738.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Ralph Assheton, Thomas Griffitts, } Esqrs.
Samuel Hassell, }

His Honour, the Governour, informed the Board that on Saturday Evening he was attended by four Members of the Assembly, who desired to know when the whole House might be admitted to present their Speaker, and that he had appointed the Hour of Eleven this Day.

The Assembly attending accordingly, presented Andrew Hamilton, Esq^r^ as their Speaker, who having made the usual Requests on behalf of the House and himself, The Governor was pleased to make the following Answer:

Sir—

The Experience former Assemblys have had of your Abilities, has no doubt determined the present to chuse you for their Speaker, and as they are not altogether unknown to my self, I can but approve of the Choice.

The Privileges you demand are essential to the Freedom of an English Assembly, and as you have long enjoyed them, you may depend upon it that I shall not be the first to invade them.

At a Council held at Philadelphia, November 3rd, 1738.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Samuel Preston, Ralph Assheton, Clement Plumsted, Thomas Griffitts, } Esqrs.

The Governour having informed the Board that Nutimus and some other Indians came down to pay him a Visit, and that they brought a present of skins, It was unanimously agreed that the present made in return should be double the Value of those skins; and Samuel Preston, Esq^r was desired to make a provision accordingly, at the Expence of the Province.

The same Evening the above Indians waited on the Governour, and were presented with the Goods ordered to be provided for them, Viz.: 1 P^s of Dussels, 28lb. of Powder, fine glazed, 50lb of Lead, 2 Dozen of Knives, 2 Dozen of Scissars, 1 Dozen of Tobacco Tongs, 100 Flints, 3 P^s of Gartering, and some pipes and Tobacco, amounting in all to Sixteen pounds.

At a Council held at Philaddelphia, November 22nd, 1738.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Clement Plumsted, Thomas Griffitts, Ralph Asheton, } Esqrs.

The Governour having advised with the Board about filling up the Commissions of the Peace for the Several Counties of the Province, the following Persons were agreed on to be Commissionated Justices, Viz^t:

For the County of Philadelphia.

Clement Plumsted, Thomas Laurence, Samuel Hasell, Ralph Assheton, Thomas Griffits, The Mayor of the City of Philadelphia for the time being, The Recorder of the City of Philadelphia for the time being, Edward Farmer, Edward Roberts, Richard Harrison, Peter Janson, William Allen, George Boon, George Fitzwater, James Hamilton, Thomas Fletcher, William Till, Cadwallader Foulk, Abraham Taylor, Jonathan Robeson, Owen Evan of Limerick, Edward Reece of Manhatawney, and David Humphreys of Merion.

For the County of Chester.

Richard Hayes, Henry Pearce, Henry Hayes, Elisha Gatchel, John Crosby, Caleb Cowpland Abraham Emmit, James James, John

Parry, Joseph Pennock, Samuel Hollingsworth, Joseph Brientall, Joseph Heins, William Pym, Joseph Bonsall, The Chief Burgess of the Town for the time being, and Joseph Parker.

For the County of Bucks.

William Biles, Joseph Kirkbride, Thomas Canby, Thomas Yardley, Mathew Hughes, Lawrence Growden, Benjamin Jones, Isaac Pennington, Abraham Chapman, Simon Butler, John Wells, Ennion Williams, Mathew Rew, Richard Mitchell of Durham, and the chief Burgess of Bristol for the time being.

For the County of Lancaster.

John Wright, Tobias Hendricks, Samuel Blunston, Thomas Edwards, Samuel Jones, Andrew Galbraith, Edward Smout, Samuel Smith of Conoi, Thomas Lindley, Emanuel Carpenter, Anthony Shaw, Thomas Cookson, John Cogle, John Kyll of Chesnut Level, James Armstrong, and Samuel Boyd.

And the Secretary was ordered to make out the Commissions accordingly.

At a Council held at Philadelphia, December 5th, 1738.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Samuel Preston, Samuel Hasell, Clement Plumsted, Thomas Griffitts, } Esqrs.

His Honour the Governour acquainted the Board that he had received a Letter from Governour Ogle of the 26th of last Month, informing him that he had Appointed Col^{o} Levin Gale and Mr. Samuel Chamberlagne to run the Line agreed upon between the Proprietor of Maryland and the Proprietors of Pennsylvania, and confirmed by his Majestie's Order, as Provisional and Temporary Limits between the two Provinces; And that he had Appointed Lawrence Growden, Esq., and Mr. Richard Peters as Commissioners, and Benjamin Eastburn as a Surveyor on the Part of Pennsylvania, to join them in running the said Line. They were thought by the Board well qualified for that Service.

At a Council held at Philadelphia, January 1st, 1738.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Samuel Preston, Samuel Hasell, Clement Plumsted, Thomas Griffitts, Thomas Laurence, } Esqrs.

The Minute of the 5th of December being read and Approved,

The Governour informed the Board that as the Assembly was to meet this Evening he had prepared a speech to be delivered to them which being read was approved of.

At a Council held at Philadelphia, January 2nd, 1738.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Samuel Preston, Ralph Assheton, Clement Plumsted, Samuel Hassell, Thomas Laurence, Thomas Griffitts, } Esqrs.

The Assembly having acquainted the Governour last night, by two of their Members, that they were met according to adjournment He desired that the House would attend Him at Eleven of the Clock this Day. The Assembly attending accordingly, The Governour spoke to them as follows:

Mr. Speaker and Gentlemen of the Assembly:

As the Happiness of every British Subject is connected with that of His Majesty and the Royal Family, The Birth of a Prince must afford a real Satisfaction to every Lover of his Country, as such, therefore, I can not but imbrace the first Opportunity of congratulating you on so agreeable an Event.

This having been the usual Season for sitting to do Business, both my Duty and Inclination call upon me to recommend such things to you as I think most likely to advance the Prosperity of this Province. The soil of many parts of it is productive of Hemp and Flax, and there is Wood in abundance for making Pot-Ash. There seems, therefore, to be wanting nothing but a due encouragement from the Legislature, to engage the Attention of the Inhabitants to the Improvement of these valuable Commodities—Valuable, as they will furnish your Merchants with a Remittance for the Manufactures imported from Great Britain; and consequently make Gold in some degree current here, as well as set reasonable Bounds to the course of Exchange. And the more valuable, as

they do not interfere with the Product of your Mother Country, but will be of immediate Advantage to it, and be a means of engaging its Protection when you shall stand in need of it.

The better your Commodities exported from hence are, the better Price they will fetch at Markets abroad. Care, too, ought to be taken that the Exporter be not deceived in the quality of them; for as the Charges of Exportation on a bad Commodity are to him the same as on a good one, if he finds himself deceived he will buy where he can be better served. This Consideration applied to your Flower Trade, will induce you to take some further care of it, for tho' the Laws you already have will be of great service if well executed, some farther Regulations seem necessary, particularly to prevent the Mixture of different sorts of Grain, which every Man sees are now reaped together on the same Field.

Few things require more the Attention of a Government than the Money current in it; for upon the real value of that depends all confidence in Trade, Forreign and Domestick. Yours has been so frequently counterfeited of late, that there is reason to apprehend the Security of your Laws has given encouragement to it. I am not in Inclination for sanguinary Laws, but it has been the Policy of all well-constituted Governments to proportion the Punishment to the Crime.

This Province has been for some years the Asylum of the distressed Protestants of the Palatinate, and other parts of Germany, and I believe it may with truth be said that the present flourishing condition of it is in a great measure owing to the Industry of those People; and should any discouragement divert them from coming hither, it may well be apprehended that the value of your Lands will fall, and your Advances to wealth be much slower; for it is not altogether the goodness of the Soil, but the Number and Industry of the People that make a flourishing Country. The condition indeed of such as arrived here lately has given a very just alarm; but had you been provided with a Pest-House or Hospital, in a proper Situation, the Evils which have been apprehended might, under God, have been intirely prevented. The Law to Prevent Sickly Vessels from coming into this Government, has been strictly put in Execution by me. A Phisician has been appointed to visit those Vessels, and the Masters obliged to land such of the Passengers as were sick at a distance from the City, and to convey them, at their own Expence, to Houses in the Country convenient for their Reception. More could not have been done without inhumanly exposing great Numbers to perish on board the Ships that brought them.

This accident, I cannot doubt, will induce you to make a Provision against the like for the future.

Should I have omitted any thing immediately necessary for the

Publick service, Your Experience will supply it, and my sincere regard for your Welfare engage me to join with you in effecting it.

To which the Assembly returned on the 5th instant, by five of their Members, the following Address:

To the Honourable George Thomas, Esq^r Lieutenant Governour of the Province of Pennsylvania, and the Counties of Newcastle, Kent, and Sussex, upon Delaware.

The Address of the Assembly of the said Province.

May it please the Governour:

We, the Representatives of the Freemen of the Province of Pennsylvania in General Assembly met, return the Governour our hearty and sincere Thanks for his kind Speech at the Opening of this Session.

As the Happiness of every British Subject depends, in a great Measure, upon the Succession of the Crown in his Majestie's Family, so the Addition to that illustrious House by the Birth of a Prince must of consequence prove a very agreeable Event to every true Lover of his Country, in as much as the Protestant Succession is thereby Strengthened, and our Happiness rendered the more secure.

The Raising of Hemp, Flax, and making Pot-ash, suitable to a Forreign Market, would undoubtedly be of great Advantage to this Province, contribute much to the making Gold current here, and by that means set reasonable Bounds to the Course of Exchange. And tho' the Essays formerly made to encourage the raising some of these Commodities had not altogether the desired Effect, yet we shall think it our Duty to attend with Pleasure, and apply ourselves diligently to the Consideration of any Proposition for so good a Purpose.

We entirely agree with the Governour that it is the interest of every Country that strict Care be taken to have all its Commodities, which are designed for Exportation, good in their kind. We think it our Duty to have a particular Regard to our own Staple, and shall, therefore, revise the Flour Act, and use the best means in our Power to remedy the Evils complained of.

Having now under Consideration, among other things relating to our Paper Money, the Reprinting our Bills of Credit, we shall endeavour to make such Provision against their being counterfeited as shall appear to be most likely to secure us against Practices of that kind for the future.

We are of Opinion with the Governour, that the flourishing Condition of this Province is in part owing to the Importation of Germans and other Forreigners; But we beg leave to say that it is chiefly to be ascribed to the Lenity of our Government, and to the

Sobriety and Industry of the first Settlers of this Country, and of the other British Subjects inhabiting the same.

We have a very grateful sense of the Governour's Care in putting in Execution the Law for preventing sickly Vessels coming into this Government, And we humbly hope the Governour will continue (when it shall be found necessary) to enjoin a strict Observance of that Act of Assembly, which together with a due Execution of our other Laws relating to the Poor by the respective Majistrates, will, we hope, in a great Measure prevent the dangerous Consequences of such Importations, at least untill it will better suit the Circumstances of the Province to make a further Provision for or Security against Accidents of this kind.

It is with great Pleasure we hear the Governour declaring his Concern for the Welfare of this Province, and his Readiness to join with us in contributing to it. And as nothing more can recommend him to the Affection and Regard of the People under his Administration than a Readiness to promote their Happiness, so nothing can more effectually engage the Representatives of that People to make a handsome Provision for a Governour so well disposed.

11th Mon., 5, 1738–9.

At a Council held at Philadelphia, January 13, 1738–9.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Samuel Preston, Samuel Hasell, Clement Plumsted, Thomas Griffitts, Thomas Laurence, } Esqrs.

The Minute of the 2nd of January being read and approved,

The Governour laid before the Board a Bill which was last night sent to him by the Assembly, Intitled an Act for Reprinting, Exchanging, and Re-emitting all the Bills of Credit of this Province, and for striking the further sum of Eleven Thousand one Hundred and Ten Pounds five Shillings, to be emitted upon Loan, which was once read.

The Governour likewise laid before the Board two Petitions addressed to Him, one from the Inhabitants of Providence, Limerick, &c., and the other from the Inhabitants of the Northeast side of the County of Lancaster, with a Map of the Province of Pennsylvania, Praying that a new County may be bounded as by the dividing Lines in the said Map, ffor that they labour under great inconveniencies and damage by reason of their Distance from the Courts held at Philadelphia and Lancaster, and for many other

At at Council held at Philadelphia, Jan

PRESENT:

The Honourable GEORGE THOMAS, ernour.

Samuel Preston,	Samuel F
Clement Plumsted,	Thomas (
Thomas Laurence,	

The Bill intitled an Act for Reprinting, emitting all the Bills of Credit of this Prov the further sum of Eleven Thousand one Hu five shillings, to be emitted upon Loan, wa Paragraph by Paragraph, and some Alterati being proposed, Clement Plumsted, Thomas L Griffitts, Esqrs., were appointed as a Committ up the said Amendments, and then the Board morrow at four of the Clock in the afternoon.

At a Council held at Philadelphia, January

PRESENT:

The Honourable GEORGE THOMAS, Es ernour.

Samuel Preston,	Ralph Assh
Clement Plumsted,	Samuel Ha
Thomas Lawrence,	Thomas Gri

The Committee appointed to draw ... Paper ...

said Province, and more particularly may affect the Rents
uitrents which now are or hereafter shall become due to the
ctors, You shall not, therefore, on any pretence whatsoever,
give your Assent to any Law or act of Assembly within the
rovince or within the said Counties, either for making, emit-
ncreasing, or continuing any Paper Currency or Bill of Credit
ever, unless there be inserted in each and every such Law or
ne or more enacting Clauses to provide effectually that the
nts and the other Rents due and to become due to the Pro-
s shall be all paid from time to time, according to the true
al Rate of Exchange between the Cities of Philadelphia and
n, at the times of such Payment.

true Copy. By Command.

"THOMAS LAWRIE, Secretary.

Council held at Philadelphia, January 17th, 1738-9.

PRESENT:

Honourable GEORGE THOMAS, Esqr., Lieutenant Gov-

nt Plumsted,
s Laurence,
Assheton,
Samuel Hasell,
Thomas Griffitts,
} Esqrs.

Amendments reported Yesterday to the Paper-Money Bill,
dered to be sent to the Assembly this Afternoon.

Governour then laid before the Board a Draught of a Mess-
the Assembly as from himself, which he proposed should
any the foregoing Amendments, which was approved of, and
llows:

Honour, the Governour, in Council, to the Gentlemen of the Assembly.

ntlemen:

I determin'd on my first taking upon me the Administra-
this Government, to make Honour and Justice the Rule of
Actions, and that no Temptation should induce me to deviate
at Rule, I concluded that I should not stand in need of the
rts and Subterfuges of necessity put in Practice by such as
other View than that of enriching themselves by the spoils
e they ought to cherish and protect; and as I have not
found myself mistaken, I shall with my usual Sincerity
u my Sentiments on your Paper-Money Bill, which I have
red with all the Attention I am capable of, as well as the
Regard to the Reputation and Welfare of the Province.

ur Paper-Currency, by this Bill, is supposed equal to Pro-

..., &c., tho' contracted to be paid in En
rent, and contrary to the Intention of all Law
cure Men's Rights, and not destroy them. I m
mend to you that a Clause be added effectual
Payment of all Sterling Debts and the Pro
according to the true and real Rate of Exchan
phia and London at the time of such Payment
a Clause I cannot, consistently with your Prop
and my own Security, give my Assent to this
may see I do not industriously seek for Argun
you of a Bill you have so much at Heart, I he
Copy of their Instruction to me on this head.

"I conceive it will not be thought necessar
minutely into a Justification of this Instruction
ments of that Assembly which passed the last
in 1729, in their Address to the Proprietary Fan
sidered. I chuse, therefore, only to transcribe a
Address, Viz': 'As those Quitrents are to be
Money, or Value thereof in Coin Current, it is
it must always be understood, that an English
mon Quitrent for One Hundred Acres of Land, ca
discharged, than by such a shilling, or the real
current Coin then passing;' And to observe, that
the Proprietary Interest is now as much disputed
standing this honest Declaration, no Method is li
to put an end to these Disputes, and to prevent
will be attended with great Expence to the Cou
tion of such a Clause to this Bill as is mentione
tion.

"...

Plantations having by their Secretary, in a Letter to the late Governour Gordon, declared their Dislike of the Bills of Credit passed in this Province, and their Resolution if any more such shall be passed to lay them before His Majesty for his Disallowance, I would advise that your whole Paper-Currency be not risqued in one Bill; for should it be repealed after the Bills have circulated thro' many Hands, How great will be the Confusion? Should you resolve however to hazard all, would it not be more prudent to settle your whole Currency at Seventy-Five Thousand Pounds? For as that Sum is known to their Lordships to have been heretofore emitted by several Laws, and the ill Consequences attending such Emissions have not been so great as in the Places mentioned by their Lordships, they may be more reasonably induced so to recommend this Bill to his Majesty, as that it may not be repealed.

"It gives me some Uneasiness that I should be obliged to object to a Bill you think so essentially necessary for the Trade and well-being of the Province; but every candid and impartial Person will acquit me of the least Disregard to your Interests, and acknowledge that I cannot act otherwise without the Imputation of Injustice, and without incurring the Guilt of a Breach of Trust.

"GEORGE THOMAS."

At a Council held at Philadelphia, January 20th, 1738–9.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Samuel Preston,	Ralph Assheton,	Esqrs.
Clement Plumsted,	Samuel Hasell,	
Thomas Laurence,	Thomas Griffitts,	

The Governour laid before the Board a Message he received yesterday from the Assembly by two of their Members, who desired at the same time that he would appoint a time for a Conference with the whole House on the Subject Matter of the Amendments sent down to the Paper-Money Bill, which Message is as follows:

"In the House of Representatives, the 19th of the 11th Mon., 1738–9;

"To the Honble George Thomas, Esqr., Lieutenant Governour of the Province of Pennsylvania, &c.

"May it please the Governour:

"Having taken into our Consideration that Amendment sent down to the Bill for Reprinting, Exchanging, and Re-emitting all the Bills of Credit of this Province, and for striking the further Sum of £11,110 5 0, to be emitted upon Loan, which excepts all

proposed will rather be injurious to
otherwise, as well in the Sale of Lands n
receiving the large Sums of Money now due f

"Signed by Order of t

"ANDREW HAM

To which the Governour sent the following A
Message, that if they continued to desire the
yesterday, he was now ready to receive the wh
as they should think proper.

"The Governour in Council to the Gentleme

"Gentlemen:

"Whatever comes from the Representatives o
always have its due Weight with one disposed,
honourable Means to preserve Harmony and a g
with them. I can not, however, but own myself a
by your Message relating to the Paper-Money Bi
the Amendments sent to you having been accom
ticular Message from myself, containing, as I tho
able Reasons why I cannot pass that Bill as it i
you have been pleased to over look that Messag
to one of the Amendments proposed, for the f
Vizt:

"Because you apprehend it will tend greatly t
the Credit of your Paper-Money, and consequentl
Commerce.

"And because it will be injurious as well in the
yet granted as in receiving the large S
Lands alread

"To the second Reason I reply that common Justice entitles the Proprietor to the real Value of their Quitrents, and that, without the Exception proposed, it is evident from times past that they will not be better treated for the time to come, even tho' succeeding Assemblies should declare as that did in 1729.

"Your Proprietors must be contented when Justice is done them in regard to their Quitrents, to run the same Hazard with you in regard to the sums due or that may be due on the Sale of Lands, those being generally Contracts of another kind; And it will be no Small Benefit to your Currency that they will be engaged in Interest to keep up the Credit of it, and to keep down Exchange, And will be obliged to purchase the Produce of the Country to make Remittances, the Sums due to them on Sale of Lands being very much greater than those due for Quitrents.

"GEORGE THOMAS."

Pursuant to the verbal Message, the Assembly, by two of their Members, signified to the Governour that a Committee of their House is now coming to confer with him on the subject of the Amendments, to which the Governour reply'd that he was ready to receive them.

The Committee appointed to manage the Conference on behalf of the Assembly spoke in Substance as follows:

That by the Bill entituled an Act for Reprinting, Exchanging, and Re-emitting all the Bills of Credit, &c., as it passed the House, it is provided among other things, That Tenders to be made in the Bills of Credit for Discharging any Debt or Debts, &c., should be as effectual as if the Current Silver Coin of the Province had been offered, &c.; By the Amendment sent us from the Governour it is proposed there should be an Exception in three Cases—

1. Of Debts and Duties to the Crown.
2. Of Sterling Debts.
3. Of Quitrents and other Rents due to the Proprietors.

As to the first, since we know of no other Debts due to the Crown within this Province but such as are secured by Acts of Parliament, the House are of Opinion nothing in the Bill under Consideration could possibly affect them, and, therefore, they hoped the Governour would think any Provision respecting them unnecessary.

To the second, That inasmuch as this Bill does not propose any alteration in this respect of the Laws now in being, and since by the Laws as now understood there generally has been regard had to Debts contracted with Merchants in England, by an Allowance of the current Exchange in Courts, by Jurors and others, so we suppose like Regard will be had if the Bill should pass without the Amendment proposed. That they think it more prudent to leave this as a Matter to be governed by Usage among Merchants rather

than by any Law positive concerning it, least it should introduce I conveniencies greater than those it intended to avoid. That th looked upon this as most agreeable to the Practice of our Moth Country on like Occasions, where, tho' it is the undoubted Pr rogative of the Crown to ascertain the Rates of Coin, yet ev there (as in Guineas for Example) Coin had its Rise and Fall, A when any Disputes have arisen concerning it, the Course of E change and Usage of Merchants (by the Wisdom of the Natio have usually governed in the Case. That tho' Acts of Parliame have been formerly made to restrain Exchange, that it should Value for Value, and not otherwise, yet the necessity of Commer prevailed against the Law, so that a greater Exchange has be allowed. All which considered, they hope the Governour would r cede from this part of the Amendment.

To the third part of the Amendment proposed, the House we of Opinion that to pass the Bill with the Amendment, or to reje it without the Amendment, would, in either Case, be greatly inj rious, both to the Proprietors and People of this Province.

If past with the Amendment, for divers reasons:

1. For that Money ought to be the common Measure or Standa of the Value of all other Things, and any Restrictions to confi or lessen its general Use, must consequently affect its Credit. Th Experience justifieth the Truth of this Position, of which they co ceived the Case of Maryland to be a pregnant Example.

2. To lessen the Credit of our Bills must injure, more or les every Man in the Province, and particularly Widows and Orphan tho' we conceived no body more than our Proprietors themselve because none, we supposed, have Right to receive more of tho Bills; Besides, that they must share considerably in the Damag others receive, as it has a Tendency to lessen the Trade and Richn of the Province.

3. The Amendment proposed would be making a Law to debt such from being heard in Courts of Judicature, who now thin they have a Right to contend against the Exchange demanded.

4. Such an Exception would, we conceive, render the Payme of Rents very precarious and uncertain. Exchange is often fluct ating—rises and falls in proportion to the Exigencies of Trade an Necessities of such who want to Make Remittances; Whilst Silve passed here at 9-2 the Ounce, Exchange at times did not excee £12 10 Proclamation ℔ Cent. After this, and even before any o our Bills of Credit were issued, it advanced to £40 ℔ Cent; Since it must be confessed, it is much higher. What part of it is owin to Paper Money is uncertain; And tho' it were wholly so, yet t make Exchange the Standard for the Payment of Rents, would no only be above the true Value of them, but open a Door for Injuries by the further rise of Exchange, owing perhaps to the Caprice

Artifice, or Design of Evil Men. To reject the Bill because the Amendment proposed is disagreed to, must, also, we think, greatly injure the Proprietors and People; because,—

1. The Proprietors have large sums of Money to receive for Lands sold and Rents in arrears, which, unless this Bill passes, their Debtors will be unable to pay.

2. They have large Tracts of Land as yet undisposed of; want of Money must needs obstruct the sale of great part of them, and what is sold must be at a cheaper Rate, since it is probable there will be but few Buyers.

3. It will greatly injure the People, as it may reduce the price of Land and the Produce of it, and will render it Difficult for them for want of Money to carry on their Commerce and discharge their Debts. All which we submitted to the Governour's Consideration.

To which the Governour answered:

As the Assembly seems to have considered but one side of the Question, I must recommend it to them as Christians and as honest Men to try the Matter in Dispute by that Golden Rule of doing as they would be done by; and to ask their own Hearts whether they would be willing to take sixteen-pence in Paper Money for an English shilling due to them; and whether any one of them would not insist, in case of being under a necessity of Exchanging such a shilling, upon the current value of it. For such an Examination, I can be confident, will soon reconcile every honest Man to the Amendments proposed.

I am not ignorant that his Majestie's Duties are so secured by Acts of Parliament that no Laws passed here can affect them; but I think your inserting the Amendments relating to them would shew such a Regard to his Majesty as becomes dutiful Subjects.

The Practice of your Courts and Juries in respect to Debts contracted with merchants in England is an evident Contradiction to that Clause in the Bill which makes your Currency equal to Proclamation-Money; and why such a Practice should not be as injurious to the Credit of your money as the Amendments proposed I cannot conceive. That Amendment would certainly have these good Effects: It would prevent Merchants and Others who had sterling Debts due to them there from making any Opposition to the Bill in England, and take off the Objection made by the Lords of Trade in Regard to Merchants trading hither. Gold and Silver Coins in England have a real Value, and the course of Exchange betwixt that and other Countries in Europe is according to the Fineness of the Coins current in them, with a reasonable allowance to the Merchant for the Trouble of Negotiating. Wars and other Accidents sometimes make Exceptions to this Rule, but these are but Temporary. That Guineas fell in their Value was because they had been set too high in proportion to Silver, from whence the Silver

was carried out of the Kingdom. To prevent which the Royal Authority, I presume, was interposed to Lower the Rate of Guineas. But as your Currency has only a nominal Value, there seems to be a necessity of obliging all Persons to a specifick Payment of Sterling Debts or the Value of them in Currency, according to the Course of Exchange, especially as this Bill sets the Currency at a higher Value than it is known to pass for in every Circumstance of Trade.

All that has been objected to the Amendment in Regard to the Proprietary Quitrents is founded on a supposition that it will destroy the Credit of your Paper Currency; and the Exceptions in the Maryland Law are mentioned as a proof of it.

As Maryland had a good Medium in Trade, Ninty Thousand pounds was abundantly more than was necessary; and to that Excess the Discredit their Currency lies under must be imputed. The rise of Exchange in all the Colonies after every Emission of Paper Money is a proof of this; and tho' it is not so high here as in some of them, it has risen even here from 35 to 70 ℔ Cent. This being truly the Case, all your fears concerning the Credit of your Money, and the Dammages that will attend Widows, Orphans, &c., will vanish; but if Widows and Orphans have Proclamation-Money due to them and you oblige them to take Currency for Proclamation, the Injury is evident.

The Proprietors are engaged in Interest, as they have great sums due for Lands sold, to keep up the Credit of your Money, and would indeed be the greatest Sufferers should the proposed Amendment have an ill Effect on it; but they have no such apprehensions, nor will have any such, so long as you keep your Currency within due Bounds. This Amendment requires no more than a plain matter of Justice in regard to their Quitrents which were agreed to be paid in English Money or the Value in Coin Current. It can admit of no Dispute in a Court of Judicature; your Courts and Jurys having, by your own Confession, constantly adjudged Sterling Debts payable according to the Course of Exchange.

The Declaration of the Assembly in 1729 must be allowed by this and all succeeding Assemblies to be just, and as such it must have its weight with all. The little Effect that Declaration had, and the unwillingness that Assembly shewed to agree to the Exception then proposed, should induce the Present to come into it; for it is one and the chief end of Assemblies to make Laws for the due and impartial Administration of Justice; and where can the Proprietors so reasonably seek for a Remedy as in a Paper-Money Bill, since Paper-Money Bills first gave rise to the evil? Had all Men been honest the Quitrents had been paid to the satisfaction of the Proprietors. Many have paid them; and it surprises me, considering what the Family has merited from this Country, that so much difficulty should be made to compel such as have not to do a common piece of Justice.

f the Rise and Fall of Exchange be a good Argument against Amendment, the Judgment of your Courts and Juries must be rways directed for the future; but such a Direction I am con- at no Assembly that has the least regard for the Reputation of Province will think of.

s Paper-Money has been introduced, the suppression of it must, ou observe, prove very injurious to the Province; but your Pro- tors have no such Intention. It will be your own Faults if Bill be not passed. I am willing to pass it so soon as it can one consistent with their Instruction to me. My hands are tied y that Instruction, and no Consideration in Life shall induce o break it.

which the Speaker of the Assembly replied in substance as ws:

hat as the Governour had declared himself determined to insist his Amendment to the Bill, in pursuance of his Instruction, ight, therefore, not be thought decent to offer anything further a view that he should at this time recede from the Declaration ad made; yet it was hoped it might not be judged improper to that the Instruction could not in Justice be supported. And since it had been observed, nothing in particular was said to Address of the Assembly to our Proprietors in 1729 (which ed to be much relied on by the Governour), in Justice to that se of Representatives the occasion of that Address, and their Intent in the making of it ought to be known; and further to that if it had not the Effects intended by the Assembly, and h were desired by the then Governour in favour of the Pro- ors, it was not the People's fault.

the year 1729 a Bill was offered to the then Governour for ing a large sum of Paper-Money, which at last was reduced to 000. An Amendment or Exception, much the same with the ndment now proposed, was then insisted upon to that Bill. Exchange at that time between our Paper-Money and Sterling ot exceed Fifty ℔ Cent., and such as paid off, Quitrents at all ally paid Eighteen pence for one Shilling Sterling. This ange the Assembly thought was as high as it ever would arise, y them deem'd the real Value, and was as much as they ap- nded would ever be demanded of them in discharge of their ents. This appears by the Votes of the House and Address aid, and was unanimously agreed ought to be paid to the ietors, even without one dissenting Voice.

is Address was sent to Britain to our Proprietors, but as it ot thought proper to publish it before it was presented, and as roprietors or those in the Administration never thought fit to the Benefit of that Address, it never before this time having made known to the People, it is hoped they cannot in Justice

It often happens that Instructions to Gove
persons in England very much unacquaint
stances of the Plantations; and therefore, it
find those Instructions not always justly ada
for which they are intended. And this 'tis
to be the Case at present; for the Quitrents
the Proprietor's Grants being one English Si
Value thereof in current Coin, &c., for each
Land, and the Rent proposed to be paid by
Amendment being one Shilling, according to th
change between the Citys of Philadelphia an
Exchange being at present £170 in our Bills
Sterling. This, it is well known, is more in p
Value of an English shilling in Gold or Silver,
lished here, and more in proportion than will a
such a Shilling with our Bills of Credit, and,
than the Proprietors have a right to receive;
cannot doubt but the Governour will recede fr
Instruction. And if for this Reason it shall not
insist upon the Instruction in this particular Inst
Governour may for other good Reasons believe
to recede from the whole.

And it is further to be observed, that the Pro
Governour's Amendment for Payment of all Debt
rents already agreed to be paid, or that shall her
be paid in Sterling-Money, &c., to the Propriet
beyond the Proprietor's Instructions, which ext
Quitrents only and not to Debts

PROVINCIAL COUNCIL.

t a Council held at Philadelphia, May 8th, 1739.

PRESENT:

he Honourable GEORGE THOMAS, Esqr., Lieutenant Go
or.

uel Preston, Samuel Hasell,
nent Plumsted, Thomas Griffitts, } Esqrs.
ph Assheton,

he Minutes of the Five preceeding Meetings being read, were
oved of.

he Governour laid before the Board two Verbal Messages he received from the Assembly, with his verbal Answers to them, :

he 1st instant, The Assembly by two of their Members ac-
nted the Governour that they were met according to Adjourn-
t, and were ready to receive any thing his Honour might have
y before them.

o which the Governour reply'd, That as much had been said at last Meeting of the Assembly and nothing done, he thought it necessary to recommend any thing further to them now; but ld any thing occur during the time of their sitting, he would int the House of it by a Message.

e 4th instant, The Assembly by six of their Members returned aper-Money Bill to the Governour without agreeing to the lment sent down to it at the last meeting, and said that they he Governour had laid their Reasons against the Amendment to the Quitrents before the Proprietors, and that he would s the Bill without that Amendment.

ich the Governour sent the following verbal Message by tary, Viz^{t}:

ommanded by his Honour the Governour to tell the House as no *no* power from the Proprietors to recede from the In-relating to Paper-Money Bills, nor is his own Judgment any Reasons given by your House against the Amend-: to the Bill at your last Meeting, and that he thinks it ie House, if you would not agree to those Amendments e drawn, to offer such expedients at least as may give tors just and ample Satisfaction in the matter of their And that he has therefore returned the Bill.

Governour laid before the Board his Correspondence nmissioners appointed to join those of Maryland to between the two Provinces, pursuant to his Majesties ncil of the 25th of May, 1738. As also the Petitions als, Viz^{t}: Margaret Ingram and Martha Cash, con-e last Court of Oyer and Terminer held in this City, nd expressed his Inclination, as one of them pleaded

PRESENT:

The Honourable GEORGE THOMAS I
ernour.

Samuel Preston, Samuel H
Clement Plumsted, Thomas G
Ralph Assheton,

The Minute of May the 8th was read and a

The Message from the Assembly of the 1(and is as follows, Viz^{t}:

"A Message from the House of Representativ

"May it Please the Governour;

"The House having taken into Considerat Message of the 5th instant, find themselves Difficulty by the Governour's Demand in favou and at the same time to preserve the Credit of upon which the Prosperity of the Province so m

"But as we have the peace and Happiness of t represent very much at Heart, and in Consid Coin, the Specie in which our Quitrents are ag scarce to be had, and the Bill for re-emitting our now again returned to us by the Governour, bei Consequence, as well for the Support of the Trade of the Province, and will conduce very m the Inhabitants and preserving Peace among may be passed into a Law without the Amendme Governour, the only Mean to preserve the Cre Money, We have agreed to pay to our Prop Twelve Hundred Pound

ıring that time; Which said several sums the House do humbly ope will be accepted of as ample Satisfaction to our Proprietors or any Disappointment they may apprehend they have received, or nay receive, in not having the said Quitrents paid in Silver money, as reserved in their Grants to the People.

"Signed by Order of the House,

"ANDREW HAMILTON, Speaker.

"3 Mon. 10th, 1739."

A Bill sent up from the Assembly, Entitled an Act for the more easy and speedy Recovery of small Debts, was read, and ordered to be read at the next meeting, Paragraph by Paragraph.

A Petition of sundry Germans and other Foreigners (now inhabitants of this Province) praying that they may be granted the Benefit of Natural born Subjects of Great Britain by an Act of Naturalization, was read.

At a Council held at Philadelphia, May 14th, 1739.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Samuel Preston,	Ralph Assheton,	Esqrs.
Clement Plumsted,	Samuel Hasell,	
Thomas Laurence,	Thomas Griffitts,	

The Governour communicated his Answer to the Assembly's Message relating to the Proprietary Quitrents, which was read as follows, Viz^{t}:

"His Honour the Governour to the Gentlemen of the Assembly.

"Gentlemen:

"The Bill for re-emitting your Paper-Money, returned to you a few Days ago, is indeed a Bill of great Consequence to the Province, and had there been a Provision made in it for such as have and may suffer by it, my sincere Regard for your Welfare would not have allowed me to have so long deni'd my Assent to it; but as Justice ought to be the Foundation of all Laws, and no Country can prosper without a strict Regard to it, I am perswaded that you will hold me excused for thinking my self obliged to contend for it. I shall upon all Occasions join with you in the properest Measures for preserving the Peace of the Province, and shall chearfully undertake whatever I think may be instrumental towards adjusting the present Dispute. I am glad to find in your last Message the same Disposition, and can not doubt, had you known the true State of the Proprietor's Quitrents, but the Compensation offer'd would have been as ample as it was well intended; but as it falls very

... a small Amendment.

The Petition of the Germans was consid
Message sent to the Assembly:

"His Honour the Governour in Council to
Assembly.

"Gentlemen:

"Upon Application made to me on behalf o
habitants of this Province, that they may
Privileges of English Subjects, and for tha
naturalized, I have made enquiry, and find tha
are mentioned in a Petition now laid before yo
larly taken up Lands from the Proprietors; tha
Oaths or Affirmations enjoyned by Law, and
meaned themselves since their coming into this
these Considerations, I am willing to join with
ing a Bill for their Naturalization.

"GEOR

At a Council held at Philadelphia, May 18tl

PRESENT:

The Honourable GEORGE THOMAS, Esq
ernour.

Samuel Preston, Samuel Ha
Clement Plumsted Thomas Gri

The Assembly having returned the P
sented ...

ence of the Bill now before the House, and of his sincere
or the Peace and Welfare of the Province, is very agreea-
; and as this Bill is, in our Understanding, calculated to
Justice to all who shall be obliged to receive the Bills of
hereby to be emitted, we hope the Governour will believe
ntertain the same Sentiments of Justice with himself, and
think it to be the best support of all Government.

now, as it always has been, the Intent of the Ligislature,
lls of Credit were first emitted in this Province, to keep
as near as possible to the Value for which they were struck;
any time they have fallen below that, we presume it did
eed from any Want of sufficiency in the Security upon
ey were emitted, but rather from the great Importation of
Manufactures, which called for more Remittances than
dily be made to pay for them, which in our Opinion could
Effect even upon Gold and Silver, tho' not in the same de-

are sensible it may be an Inconvenience to our Proprietors
e our Bills of Credit instead of Silver, and for that Reason
agreed to make them the Amends proposed in our Mess-
e Governour of the 10th Instant, for any Disappointments
ht meet with in the Receipts of their Quitrents. And in
id not proceed upon the Foot of Calculations, but as a Mark
Regard and Esteem the People of this Province have al-
pressed for that Honourable Family, and to make them
passing the Bill before the House.

n these Considerations the House have proceeded, from
ey find no Reason to recede; And as we are well assured
ing contributing to the Prosperity and Peace of the Pro-
ll be always acceptable to our Proprietors, We do assure
rnour there is nothing in the Power of the Legislature to
s time that will more engage the Duty and Affections of the
o the Proprietary Family, nor add to their sense of the
ar's Regard to their Welfare, than his assent to this Bill.

"Signed by Order of the House,

"ANDREW HAMILTON, Speaker.

on., 15, 1739."

---

nour, the Governour, to the Gentlemen of the Assembly.

tlemen:

ill be needless now to repeat the Arguments which have
le use of by me to induce you to agree to the Amendments
to the Proprietary Quitrents, since the Gentleman who now
ith you out of a pure Regard to your Happiness, and from

...m £1,333 6 8, but at 70 ℔ Cent., (
change beween Philadelphia and London at
This is indeed such a Condescension as req
Duty and Affection in your Power to the
ought to be remember'd with the utmost G
Your sense of it, I question not, will enga
Bills before you break up, to be passed with
as will prevent future Contention and secur
Quitrents in a Method easie and as little e
Them and the People. GEOR

A Bill for the more effectuall preserving th
Money, and recovering the Proprietary Quitr

A Supplement to an Act of Assembly of t
an Act prescribing the Forms of Declaration
tion, and Affirmation, instead of the Forms h
such Cases, was read.

A Bill for the better enabling divers Inhabit
of Pennsylvania to Trade and hold Lands with
was read.

At a Council held at Philadelphia, May 19t

PRESENT:

The Honourable GEORGE THOMAS Es
ernour.

Samuel Preston, Samuel Hasel
Clement Plumsted, Thomas C...
Ralph A...

Bill might be injurious to the Proprietors, and that some necessary Clauses were omitted, sent the following Verbal Message by his Secretary, Viz^{t}:

The Governour has some observations to make on the Bill for the more effectual preserving the Credit of our Paper Money and recovering the Proprietary Quitrents, and as your House seems to be in haste to adjourn, would be glad to communicate them to some Members sent by your House, but if you do not approve of that method, will send them in writting.

After which, Four of the Members of the Assembly waited on the Governour, and having received his Observations, the House returned the Bill with some Amendments, which were approved of.

The Bill intitled a Supplement to the Act for electing Members of the Assembly, &c., was read and returned to the Assembly with the following Message:

"The Governour in Council to the Gentlemen of the Asembly.

"Gentlemen:

"A Bill for regulating the Choice of Inspectors at future Elections of Assembly Men, seems absolutely necessary from the Disorders complained of at the last. But I am apprehensive that the Bill now before me is not calculated to prevent the like for the future, and that the Method therein prescribed, considering the little Authority of Constables and Overseers of the Poor, will rather multiply Tumults than discourage them, particularly in this Populous City. However, if you continue desirous of making a Tryal of it, I will give my Assent to this Bill that nothing may be left unessayed for the Preservation of the Publick Peace.

"GEORGE THOMAS."

The Governour likewise sent by his Secretary the Petitions of several of the Inhabitants of Philadelphia and Lancaster Counties, for erecting a new County, with a Map describing the Bounds of it, together with the following Message:

"The Governor in Council to the Gentlemen of the Assembly.

"Gentlemen:

"I have ordered to be laid before you the Petitions of several of the Inhabitants of Philadelphia and Lancaster Counties, setting forth the Hardships and Inconveniencies they labour under on account of their great Distance from the County Courts, and praying that a new County may be erected agreeable to the Lines marked in a Map of the Province delivered by them. If it shall be thought likely to conduce to the Security, Ease and good Order of that part of the Government, I shall be willing to grant the Prayer of the Petition; And as a Provision will be best made by a Law for the Establishment of Courts of Judicature, I shall be also willing to join with you in one for that or other necessary Purposes.

GEORGE THOMAS.

The Bill for the better enabling divers Inhabitants of the Province of Pennsylvania to trade and hold Lands within the said Province, was read and returned with a small Amendment, which was agreed to by the Assembly.

The Paper-Money Bill was likewise returned without any further Amendment.

Two of the Members of the Assembly waited on the Governour to know when he would be pleased to receive the House in order to their presenting to him such Bills to be passed into Laws as had met with his Concurrence; To which the Governour answered that he was now ready to receive the House.

The Speaker with the whole House immediately waited upon the Governour, and having presented him with an Order on the Provincial Treasurer for One Thousand Pounds for his year's Support. The Governour received it thankfully, and gave his Assent to the following Bills, Viz^{t}:

A Bill for Re-printing, Exchanging, and Re-emitting all the Bills of Credit now current in this Province, and for striking the further Sum of £11,110 5 0, to be emitted upon Loan.

A Bill for the more effectual preserving the Credit of our Paper Money, and recovering the Proprietor's Quit Rents.

A Bill for the more easy and speedy Recovery of small Debts.

A Bill for the better enabling divers Inhabitants of the Province of Pennsylvania to trade and hold Lands within the said Province.

A Supplement to the Act for electing Members of Assembly, &c.

A Supplement to the Act prescribing the Forms of Declaration of Fidelity, Abjuration, and Affirmation, instead of the Forms heretofore required in such Cases.

Then the Speaker informed the Governour that the House intended to adjourn to the Sixth of August next, to which the Governour answering that he had no exception to the time, the House withdrew.

At a Council held at Philadelphia, July 27th, 1789.

PRESENT:

The Honourable THOMAS PENN, Esqr., Proprietor.

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

James Logan,	Thomas Laurence,	Esqrs.
Samuel Preston,	Ralph Asheton,	
Anthony Palmer,	Samuel Hasel,	
Clement Plumsted,	Thomas Griffitts,	

Cacowatchike, Notchicoaner, Kaycowockecar, Newheconer, Tem

onebuck, Meshemethequater, Chiefs of the Shawonese Indians, with some others to the number of Twenty and one, being come to Town, the Minutes of Council containing a Conference with some of their Chiefs in the year 1732 were read, as was also the Treaty made between William Penn, Esqr., proprietor and Governour of this Province, and some of the Chiefs of that Nation and other Nations of Indians in 1701. James Logan, Esqr., was then desired to prepare a Speech against four of the Clock in the Afternoon, to which time the Board adjourned.

—

4 of the Clock, P. M.

PRESENT: U. P.

Pursuant to the desire of the Board Mr. Logan laid what he had wrote before them, which, after some Alterations, being approved of, and the Indians desired to walk in and seat themselves, was delivered to them as follows, Viz[t]:

"Our good Friends and Brothers—

"Since your Nation first left their Settlement near Pextang, on the west side of Sasquahannah, and retired to so great a Distance as the River Ohio or Alleghenny, this Government has ever been desirous of a Conference with some of your Chiefs.

"Some of your older men may undoubtedly remember that about Forty years ago a considerable number of Families of your Nation thought fit to remove from the great River that bears your Name, where your principal Correspondence was with those of the French Nation.

[A. D., 1699]. "And they then applied to the Indians of Sasquahannah to be admitted to settle amongst them, who consenting thereto did petition this Government that you the Shawonese might be received, had, and esteemed from that time in the same Rank with them and the other Indian Natives of this Province.

"In consequence of which your Nation the year after came to this City and then executed a Treaty, whereby they bound themselves in the most solemn manner to live in the strictest Union with all the English and to observe their Laws.

"And on the other hand, your Father William Penn (whose great affection and Tenderness for the Indians of every Nation, those who can remember him, are very sensible of to this Day), gave your Nation the most solemn Assurances of being treated like his Children and Brothers, and considered in all respects by himself and those who should succeed him in the Government as Subjects to the same Crown and Partakers of the same Privileges without Distinction that any English should enjoy.

"You yourselves who are now present we suppose cannot l sensible, and must readily confess, that this has been fully good to you on all Occasions on our parts.

"This is what we judge necessary to put you now in mi that as the old Men of all Nations one after another drop o young succeed in their places, those of yours who might nc haps have received from their Parents Impressions strong e to this purpose might here be told of them, and be made acqu with the Engagements which their Fathers had entered into be

This Treaty is as follows, Viz': :

Articles of Agreement indented, made, concluded, and agreed at Philadelphia, the 23rd Day of April, in the Year One sand seven Hundred and One, between William Penn, Pr tary and Governour of the Province of Pennsylvania and tories thereunto belonging on the one Part, And Connooda King of the Indians inhabiting upon and about the River S hannah, in the said Province, And Widaagh (alias Oretty Koqueeash and Andaggy, Inntquagh, Chiefs of the said N of Indians, & Oopaththa, King, and Lemoytungh and Pe joogh, Chiefs of the Nations of the Shawannah Indians Akookassongh, Brother to the Emperor, for and in beh the Emperor, and Werwhinjough, Cherquittagh, Relyewsa Woapathaa, chiefs of the Nations of Indians inhabiting i about the Northern part of the River Potomock, in the said vince, for and in behalf of themselves and Successors, and several Nations and People on the other Part, as followeth:

That as hitherto there hath always been a good Understa and Neighborhood between the said William Penn and his Lie ants since his first Arrival in the said Province, and the severa tions of Indians inhabiting in and about the same, so there sh forever hereafter a firm and lasting Peace continued betwee said William Penn, his Heirs and Successors, and all the E and other christian Inhabitants of the said Province, and th Kings and Chiefs and their Successors, and all the several I of the Nations of Indians aforesaid, and that they shall fo hereafter be as one head and one heart, and live in true Frien and Amity as one people.

Item; That the said Kings and Chiefs (each for himself an people engaging), shall at no time hurt, injure, or defraud, or to be hurt, injured, or defrauded by any of their Indians, an habitant or Inhabitants of the said Province either in their Pe or Estates. And that the said William Penn, his Heirs and cessors, shall not suffer to be done or comitted by any of the jects of England within the said Province, any Act of Hostili Violence, Wrong or Injury, to or against any of the said Ind but shall on both sides at all times readily do Justice and per

all acts and Offices of Friendship and good-will to oblige each other to a lasting Peace as aforesaid.

Item; That all and every the said Kings and Chiefs, and all and every particular of the Nations under them, shall at all times behave themselves regularly and soberly according to the Laws of this Government, while they live near or amongst the Christian Inhabitants thereof; And that the said Indians shall have the free and full Priviledges & Immunities of all the said Laws as any other Inhabitants, they duely owning and acknowledging the Authority of the Crown of England, and Government of this Province.

Item; That none of the said Indians shall at any time be Aiding, Assisting, or Abetting to any other Nation, whether of Indians or others that shall not at such time be in Amity with said Crown of England and with this Government. Item; That if at any time any of the said Indians, by means of evill-minded Persons and sowers of Sedition, should hear any unkind or disadvantageous Reports of the English, as if they had evill designs against any of the said Indians, in such case such Indians shall send notice thereof to the said William Penn, his Heirs and Successors, or their Lieutenants, and shall not give Credence to the said Reports, till by that means they shall be fully satisfied concerning the Truth thereof, and that the said William Penn, his Heirs or Successors, or their Lieutenants, shall at all times in such Cases do the like by them. Item; That the said Kings and Chiefs, and their successors and People, shall not suffer any strange Nation of Indians to settle or plant on the further side of Sasquehannah or about Potomock River, but such as are there already seated, nor bring any other Indians into any part of this Province without the special Approbation & Permission of the said William Penn, his Heirs and Successors. Item; That for the Prevention of abuses that are too frequently put upon the said Indians in Trade, that the said William Penn, his Heirs and Successors, shall not suffer or permit any Person to trade or commerce with any of the said Indians but such as shall be first allowed or approved of by an Instrument under the Hand and Seal of him, the said Willram Penn, or his Heirs or Successors, or their Lieutenants, and that the said Indians shall suffer no persons whatsoever to buy or sell, or have commerce with any of them, the said Indians, but such as shall first be approved as aforesaid. Item; That the said Indians shall not sell or dispose of any of their Skins, Peltry, or Furrs, or any other Effects of their hunting, to any Person or Persons whatsoever out of the said Province, nor to any other Person or Persons whatsoever but such as shall be authorized to trade with them as aforesaid; And that for their Encouragement the said William Penn, his Heirs and Successors, shall take Care to have them, the said Indians, duely furnished with all sorts of necessary Goods for their use at reasonable rates. Item; That the Potomock Indians aforesaid, with their Colony, shall have free leave of the said William Penn to settle upon any part of Po-

tomock River within the Bounds of this Province, they strictly observing and practising all and singular the Articles aforesaid, to them relating. Item; The Indians of Conestogoe and upon and about the River Sasquahannah, and more especially the said Connoodaghtah, their King, doth fully agree to, and by these Presents absolutely ratifie the Bargain and sale of Lands lying near and about the said River, formerly made to the said William Penn, his Heirs and Successors, and since by Orettyagh and Adaagayjuntquagh, Parties to these Presents, confirmed to the said William Penn, his Heirs and Successors, by a Deed bearing Date the 13th Day of september last, under their Hands and Seals duly executed, and the said Connoodaghtoh doth for himself and his Nation covenant and agree that he will at all times be ready further to confirm and make good the said Sale according to the Tenour of the same, and that the said Indians of Sasquahannah shall answer to the said William Penn, his Heirs and Successors, for the good behaviour and Conduct of the said Potomock Indians, and for their Performance of the several Articles herein expressed. Item; The William Penn doth hereby promise for himself, his Heirs and Successors, that he and they will at all times shew themselves true Friends and Brothers to all and every of the said Indians, by assisting them with the best of their advices directions and Councils, and will in all things just and reasonable befriend them in all things as the English and other Christians therein do, to which they, the said Indians, hereby agree and oblige themselves and their Posterity for ever.

In Witness whereof, the said Parties have, as a Confirmation, made mutual Presents to each other, the Indians in five Parcells of skins, and the said William Penn in several English Goods and Merchandises as a binding Pledge of the Promises never to be broken or violated, And as a further Testimony thereof have unto these Presents interchangeably set their Hands and Seals the Day and Year above written. Signed, Sealed, & delivered in the presence of

Edward Shippen,
Nathan Stanbury,
Alex^r. Paxton,
Caleb Pusey,
James Streats,
John Letort,
Jn^a. Hans Stelleran,
James Logan,
John Sanders,

Pemoyajoongh, ⋈
Ahookassoongh, ⋈
Weewhinjough, ⋈
Cheequittagh, ⋈
Takyewsan, ⋈
Woaputkoa, ⋈
Connoodaghtoh, ⋈
Widaagh al^s. Orettyagh, ⋈
Coquecash, ⋈
Andaggyjunquagh, ⋈
Wopaththa, ⋈
Lemoytungh, ⋈

You see here the Engagements that your Ancestors for them-

selves and you their Successors entered into on their Parts, and we think it more particularly necessary to put you in mind of them; because we cannot be unsensible as well from your own Letters as otherwise, that the French, by their Emissaries, have made some attempts to prevail with you to renounce your solemn Contracts with us, and engage in their Interests, and on this account it is that we have desired to confer with you, requesting you as our Friends and Brothers that you would freely open your Hearts and without reserve communicate to us what has passed between you and them upon these heads, Assuring you on our parts that we shall ever treat you with the same Candour, Sincerity, and Openness in every thing that may relate to your real Interests as a People.

They being then asked whether they had any thing to say in answer now, or would chuse to take time to deliberate, declared they were well satisfied with what they had heard and would speak to it to-morrow morning, for it was their Custom to speak or Transact Business of importance only whilst the Sun was rising, and not when it was declining. The Board then agreed to adjourn to Ten of the Clock to-morrow morning and gave them Notice of it, at which time they said they would be ready.

At a Council held at Philadelphia, July 28th, 1739.

PRESENT:

The Honble THOMAS PENN, Esqr., Proprietary.

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

James Logan, Samuel Preston, Anthony Palmer, Thomas Laurence, Ralph Assheton, Samuel Hasell, Thomas Griffits, } Esquires.

The Minutes of the 27th instant were read.

Kaycowocker, Newcheioner, Tomenebuck, Meshemethequater, Chiefs of the Shawonese Indians, and Ten more of that Nation being present, Newcheconer rose up and spoke in behalf of the rest (George Miranda being Interpreter) as follows, Viz:

Being invited by you our Brothers two Years ago we resolved upon going to Philadelphia, but were very much affected with Grief to think we should go to the place where two of our Brothers (Indians) had died. When we came near this Town our Hearts were likewise full of Grief, but we considered that we were going to our Brothers who had the same Cause for Grief that we had. We are now come and are satisfied, and wish that the Day may be clear and that the Tears for our Brothers may be wiped away. They then laid down a string of Wampum.

Being come where our Brothers died we have taken a little Deer's hair to put on their Graves, and missing a Brother (meaning the Governour) we take a little more Deer's hair to cover his Grave. They then presented three Bundles of Deerskins.

Having lost one Brother and you another, we desire that your Ears may be open so as to understand one another well. They then laid down another string of Wampum.

No doubt but you have heard a great deal of ill News of us, there being a great many Paths to this Town, and perhaps you may have swallowed it down; but we hope you will forget it and cast it all off; and we tell our Brothers Thomas Penn and the Governour, that as they have cleared the Road from our Place of Abode to this Town we hope there will be a free Passage from us to them and from them to us for the time to come, and we desire no ill Reports of us may be believed by them, without Information as to the Truth thereof. They then laid down another String of Wampum.

Being asked the Reason for our going over the Hills to live at so great a Distance from you our Brothers, fearing we had cast you off, we will tell the Reason for our going so far off, and will as long as we live hold you as Brothers and live in Friendship with you forever. They then laid down two bundles of Deerskins.

Brothers:—You have heard what we have now said; we earnestly desire the same Friendship you told us yesterday was between your Fathers and ours may continue forever. They then laid down two Bundles of Deerskins.

That Friendship which subsisted between your Fathers and ours being good we desire the same may be continued to us and our Children, that we may cling closs to one another as long as the World endures, and no Misunderstanding may ever arise amongst us. They then laid down a Bundle of Deerskins.

Our Father, God Almighty, has allowed a good and clear Day to hold Council with you our Brothers, and we wish the Sun may always shine so bright upon us. They then laid down another Bundle of Deerskins.

It is true we are scattered far abroad from the Great Island to Alleghenny; we have come and eat of Our Brothers' Victuals, and hope we and our Children may always eat of the same. They then laid down a Bundle of Deerskins.

We desire all you our Brothers to take Notice that we, the Chiefs of the Shawonese Indians, who were desired two Years ago to come here are now come, and that we are Very thankfull to you for the good and kind Usage we have met with, and are glad you sent for us. Last Fall was a Twelvemonth we received a Present of a horn full of Powder (two half Barrels and some Bullets were sent to them), for which we are very thankfull, and now in return for it

present a Deerskin (a Bundle). We have nothing better to make a present of to you our Brothers but Forty and odd Deerskins.

It was returned in Answer by the Governour that their Present and all they had said was taken in very good Part.

He then replied, That is all we have to say on this head, but with respect to the French we hope you have heard from them as well as we, as you are in Friendship with them.

Then the Governour told them that we had spoke to them yesterday concerning the French, and promised our hearts should be open to them, and hope their's will be so to us on that Point.

They replied, The Letter which was wrote at Alleghenny was not wrote agreeable to their Minds, nor as they designed, but being merry over a Cup of good Liquor at Alleghenny, they then said they would write to you, their Brothers, which two white Men who were in Company undertook to do, so wrote what they themselves thought proper.

The Governor desired to know what Offer had been made to them by the French; they replied, when their Fathers, the French, sent to them, they sent a belt of Wampum, and told them they might live where they pleased, and continue in Friendship with their Brothers, the English, for they had better Goods than theirs to furnish them with.

As the Present made by the Indians is thought to amount to Fifty Pounds, It is agreed that the Treasurer do provide the Value of One hundred and Twenty Pounds against Monday next, to be given them in return.

Then the Council adjourned to Monday at 4 of the Clock in the Afternoon.

At a Council held at Philadelphia, July 30th, 1739.

PRESENT:

The Honourable THOMAS PENN, Esqr., Proprietary.

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

James Logan, Samuel Preston, Thomas Griffitts, } Esqrs.

The several Goods to be presented to the Shawonese Indians being laid down in order, and their Chiefs and others of That Nation being seated, they were spoke to as follows, Viz^{t}:

"Our Friends and Brothers:

"The loss of two of your Brothers whom your Nation sent to walk with us seven years agoe, very deeply afflicted us; we truly

mourned for them; we buried them in handsome Coffins; paid them the same honours at their Funerals by firing our Cannon that is done to great Officers amongst the Christians, and sent with a present some handkerchiefs to their Friends and Relations, to wipe away their Tears; and you returned us your Thanks for our great Care herein. For this reason we forbore now to mention their loss to you lest it should renew your and our Grief. But since you chose to do it on your part, we heartily join with you in condoling the common loss; Yet as all Men are born to die, we must acquiesce in the Will of God. They cannot return to us but we must go to them; we must therefore bury and cover our Grief with them and put an end to our mourning.

"As we have received repeated accounts, as well from the Northward as otherwise, of Endeavours used by the French of Canada to draw you off from the Engagements you had so solemnly entered into with this Government at your People's first removal from their former settlements, and putting themselves under the Protection of the great King of England, we could do no less than inquire into it; we were therefore desirous to see and speak with yourselves, who we knew were best able to inform us. And as this is agreeable to one of the Covenants which have been read to you, that your Nation entered into with your Father William Penn; that is, that if either of you hear any report concerning us, or we hear such of you, before we believe them we are to enquire of each other. This we have now done on our parts and you have satisfied us.

"You have now assured us, as our faithful Brothers, that you retain duly in remembrance the Covenants your Ancestors entered into with your and our Father William Penn, and that you will not only remember but inviolably observe them as long as the Sun & Moon shall endure.

"And this you have confirmed and sealed by a weighty and valuable Token of skins, which we very kindly accept. And now to bind your words and fasten them as with Iron, to brighten the Chain, and wipe from it every spot or stain that might darken its lustre, to clear and widen the Path between you and us, and to remove every stump and grub out of it, That the Heavens and Air above us may be fair, and the Earth under us be keep'd smooth and clear as long as the sun shall shine and waters shall flow, we now give you these Goods, Viz^{t}: 2 P^{rs} of Strouds, 1 P^{r} of Dussells, 1 P^{r} of Blankets, 1 P^{r} of half thicks, 5 half Barrels of Powder, 3 hundred weight of Lead, 1 hundred w^{t} of Swan Shot, 2 Dozens of Ruffled Shirts, 20 P^{rs} of Shoes, 2 Doz. P^{rs} of Buckles, 2 Doz. P^{r} Hose, 1 Doz. of looking Glasses, 3 Doz. of Knives, 4 laced Hats, 8 Plain D^{o}, 1 hundred w^{t} of Tobacco, 2 hundred w^{t} of Midling Bread, ½ hundred w^{t} of Cheese, 1 Box of Pipes, 1 Doz. of hatchets, 1 Doz. of hoes, 10 Ga^{ls} of Rum, and 4 Trimmed Coats by the Proprietor."

After the Present was delivered to them, Newhecoher rose up d spoke as follows:

"Brothers:—When we were coming along, we expected to hear nething that was good from you; we have heard what is good, d desire to continue in friendship with you forever. In our jour- y hither, we called at the House of Alummapis, Chief of the Del- are Indians, who said, my Grand Children, you are going to my others, who are as if we were come of one Woman, and I had set a down at their Doors. We have sweeped the Road clean, and ummapis, our Grand Father, will come when the Moon is at the l, and will know that you, our Brothers of Philadelphia, are d Friends, and so presented a string of Wampum from him.

He then in Answer to what had been asked him concerning the nch, said, that last Spring was a Twelvemonth, they had desired t an Order might be sent from this Government to hinder our aders from bringing Rum amongst them; which being done, they d sent one of their Young men to the French to get a stop like- e put to the bringing of any Rum, Brandy, or Wine, by their aders for the time to come, as their Brothers, the English, had ne.

The Governour then told them That as the King of England was Friendship with the French King, they ought to be civill to the ench; but if the two Kings should go to War, they are bound y Treaty to assist us, as we are their Brothers.

Then being asked if they are at War with any Indians to the uthward, they said that they were at War with the Catabas and atewas Indians in Carolina, for that they had detained some of eir People that had been sent to them four years ago.

At a Council held at Philadelphia, August 1st, 1739.

PRESENT:

The Honourable THOMAS PENN, Esqr., Proprietor.

The Honourable GEORGE THOMAS, Esqr., Lieutenant Gov- nour.

mes Logan, Clement Plumsted, } Esqrs.
muel Preston, Samuel Hasell, }

The Shawonese Indians being again sent for and seated, The overnour told them That as the old Men have died, Young have ceeded to their Places, it is thought necessary that a new Treaty the same Substance with that made with their Father William nn, should be entered into, and that therefore he had ordered e to be prepared to be signed both by them and us, that when y returned home they might shew it to their Young Peopla, and

inform them of the Obligations they are under to preserve that Friendship inviolable which had so long subsisted.

The Treaty being then read Paragraph by Paragraph, and interpreted, they freely and unaniomously agreed to it and executed immediately, which is as follows, Viz^{t}:

Be It at all time to come Remembered That on the First Day of August, in the Year of our Lord, One Thousand seven Hundred and Thirty Nine, and the Thirteenth Year of the Reign of King George the Second over Great Britain, &c., at the City of Philadelphia, in the Province of Pennsylvania, it was concluded, stipulated, and fully agreed upon by and between the Honble John Penn, Thomas Penn, and Richard Penn, Esqrs., true and absolute Proprietaries of the said Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware, Sons of the Honble William Penn, Esqr., first Grantee and Proprietor of the said Province, in behalf of all the English and other Christian Subjects of the said King Inhabiting the said Province, one the one part, and Kaycowocker, Newchecooner, Tomenebuck, Meahemethequater, Chiefs of the Nation of Shawonese Indians, in behalf of themselves and the whole Body of the People of the said Nation dwelling on the great River of Sasquehannah, as also on or near the great River called Ohio, otherwise Alleghenny River, or in any other part of America within the claims of the King of Great Britain, on the other part, in manner following; that is to say, That the Union and Friendship now so happily subsisting, shall be maintained, cultivated, and improved by and between the subjects of the said King of Great Britain inhabiting America and all the People of the said Shawonese Nation, in all times to come, and that the same shall be inviolably preserved without any Let, Obstruction, or Interruption while the Sun, Moon, and Stars endure. That all the severall Articles agreed upon at Philadelphia the Twenty-Third Day of April, in the Year One Thousand seven Hundred and One, by the said William Penn, and the several Nations of Indians then dwelling on or near the said River Sasquehannah, of whom the said Nation of the Shawonese, under their King Wopaththaw, alias Opessah, was one, and now read and interpreted to the said Shawonese, shall be inviolably observed in all and singular the Parts thereof by all and every the Parties to these Presents.

And Whereas, the said Shawonese having left their former Habitations, are now for the benefit of their Hunting removed to much greater Distances from the Christian Inhabitants of the said Province than formerly they were at the time of entering into the said agreement, they, the said Shawonese, do hereby, for themselves and the rest of their Nation, solemnly promise and Engage, that always bearing in mind the said Articles and Covenants entered into by their Ancestors, they, wherever they may be settled, shall behave on their parts as true Friends & Brothers to the Christian Inhabi-

the said Province, and will not by any Motives or persua- induced to join with any Nation whatsoever who shall be in with the Subjects of the Crown of Great Britain, in any Hostility against them.

'itness whereof, the said Thomas Penn and the Honble Thomas, Esquire, Lieutenant Governour of the said Province, cowockecor, Neweheoner, Tomenebuck, Meshemethequater, f of the Indians above mentioned, have hereunto set their nd Seals the Day and Year first above written.

d, Sealed, and Delivered in the Presence of,

James Logan,
Samuel Preston,
Clement Plumsted,
Samuel Hasell,
} Counsellours.

Kaashawkaghquillas,
Palakacouthater,
Morcottawcollo,
} Indians.

Penn,
Thomas,
Freame, Jun'r

Kaycowockewr, ⋈
Newcheioner, ⋈
Tomenebuck, ⋈
Thomas Lawrie, Secretary,
George Miranda, Interpreter.

being told that we had now finished what we had to say, at Liberty to return Home when they should have suffi- efreshed themselves, and that a Waggon should be ready to me of the old Men and the Baggage a part of the way, iquor being likewise called for; they were wished a good , and having drank, withdrew.

Council held at Philadelphia, August 9th, 1739.

PRESENT:

Honourable GEORGE THOMAS, Esqr., Lieutenant Gov-

Preston,
Plumsted,
sheton,
Samuel Hasell,
Thomas Griffitts,
} Esqrs.

Minutes of the last Indian Treaty being laid before the rere approved.

ssembly having informed the Governour by two of their s on Monday evening last, that they were met according to nent, and were ready to receive any thing the Governour y before them.

The Governour answered That he had nothing at that time, but should any thing occur during their sitting, he would communicate it to them.

James Logan, Esqr., having declined the place of Chief Justice, a Commission was ordered to be prepared appointing Jeremiah Langhorne, Esqr., Chief Justice; Thomas Greeme, Esq., Second Justice; and Thomas Griffitts, Esq., Third Justice.

Many Representations having been made to the Governour of a want of Justices on the other side of Sasquehannah, and Richard Oeahain and John Reynolds being recommended as proper Persons for that office, a Commission was ordered to be prepared appointing them Justices there.

The Assembly in their Address to the Proprietor in January last, having requested him to allow further time to such as had unwarrantably settled upon and not paid for their Lands, and having promised to join with the Governour in an Act for protecting the Property of the Proprietors and others from such unjust Intrusions for the future, The Governour sent the following Message to the House by his Secretary, Viz^{t}:

"The Governour in Council to the Gentlemen of the Assembly.

"Gentlemen:

"In regard to the Application of your House in January last, on behalf of several Persons who have unwarrantably possessed themselves of the Proprietor's Lands, and of others who have not comply'd with their Contracts, they have been suffered to continue unmolested on their Lands; And as you then judged that an Act might be necessary, as well for protecting the Property of many others as that of the Proprietor's from such unjust Intrusions for the future, and promised to Join with me in passing such an Act, I shall order it to be immediately prepared and laid before you.

"GEORGE THOMAS."

To which the Assembly returned the following Answer, Viz^{t}:

"A Message to the Governour from the House of Representatives:

"May it please the Governour:

"We are truly sensible of our Proprietor's Regard to our Application in favour of the People settled upon their Lands, and hope the Parties concerned will so conduct themselves for the future as that there may be no just Cause of Complaint against them: But the Season of the Year being inconvenient for continuing this Session longer, we shall take care to recommend it to the succeeding Assembly, to join with the Governour in such a Law as may effectually secure the interest of the Proprietors, as well as others, against such unjust Intrusions, and as may enable the Proprietors to obtain Justice from those who are seated upon their Lands, and shall not

in a reasonable time comply with the Conditions upon which they seated those Lands, and especially for preserving the Peace of the Government; To which we hope the House of Representatives of this Province will have a due Regard.

"Signed in behalf of the House.

"ANDREW HAMILTON, Speaker.

"7th Mon., 10th, 1739."

"The Governour likewise, with the following Megsage, sent down all the Accounts of Expence on the Treaty with the Shawonese Indians.

"The Governour in Council to the Gentlemen of the Assembly:

"Gentlemen:

"I herewith send you the several Accounts of Expence on the last Treaty with the Shawonese Indians. After a due Examination, I promise myself that you will give such Order for the Payment of them as shall be agreeable to the Honour and Interest of the Province.

"If your House desire to see the Treaty at large, I will order it to be copied and laid before you.

"GEORGE THOMAS."

Doctor Thomas Greeme being appointed by the Governour, with the Consent of this Board, to visit all the Ships arriving with Palatines from Holland the last Fall, sent the following Message to the Assembly, Viz^{t}:

"The Governour in Council to the Gentlemen of the Assembly.

"Gentlemen:

"The Condition of the Passengers which arrived here last Year from Holland made it necessary for me to appoint a Phisician to visit the Ships which brought them, and at my Desire Doctor Thomas Greeme undertook that Office, and executed it, as well to the Prejudice of his other Business as to the endangering his own Health. As my Conduct in that Affair was approved of by you, I can not doubt of your making him a suitable Recompence.

"GEORGE THOMAS."

The Minutes of the Treaty with the Shawonese Indians were, at the Desire of the Assembly, laid before them, and were afterwards returned to the Secretary.

At a Council held at Philadelphia, August 20th, 1739.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Samuel Preston,	Ralph Assheton,	Esqrs.
Anthony Palmer,	Samuel Hasell,	
Clement Plumsted,	Thomas Griffitts,	

The Minutes of the ninth Instant were read and approved.

His Honour, the Governor, having laid before the Board His Majesty's Warrant under His Royal Sign Manual, for granting Letters of Marque & Reprisal against the Spaniards, and his Grace the Duke of Newcastle's Letter to the same purpose, with a draught of a Proclamation for making the same Publick, agreeable to his Majesty's Order, the same was approved of, and is as follows, Viz':

"By the Honourable George Thomas, Esqr., Lieutenant Governour and Commander-in-Chief of the Province of Pennsylvania, and the Counties of New Castle, Kent, and Sussex, on Delaware.

"A PROCLAMATION.

"Whereas, His Majesty, by his Warrant under his Royal Sign Manual, has been graciously pleased to signify unto me his Royal Will and Pleasure in the Words following, viz.:

"George R.:

"Trusty and Well beloved, We greet you well. Whereas, several unjust Seizures have been made, and Depredations carried on in the West Indies, by Spanish Guarda Costas and Ships acting under the commission of the King of Spain, or his Governours, contrary to the Treaties subsisting between us and the Crown of Spain, and to the Law of Nations, to the great prejudice of the Lawful Trade & Commerce of our Subjects, and many Cruelties & Barbarities have been exercised on the Persons of such of our Subjects whose Vessels have been so seized by the said Spanish Guarda Costas. And Whereas, frequent Complaint has been made to the Court of Spain of these unjust Practices, and no Satisfaction or Redress been procured; And Whereas, a Convention for making Reparation to our Subjects for the Losses sustained by them on Account of the unjust Seizures and Captures above mentioned, was concluded between us and the King of Spain on the fourteenth day of January last, N. S., by which Convention it was stipulated That a certain Sum of Money should be paid at London, within a Term specified in the said Convention, as a Ballance due on the part of Spain to the Crown & Subjects of Great Britain, which term did expire on the twenty-fifth day of May last, and the Payment of the said Sum agreed by the said Convention has not been made according to the Stipulation for that Purpose, by which Means the Convention above mentioned ha

been manifestly violated and broke by the King of Spain, and our Subjects remain without any Satisfaction or Reparation for the many great & grievous Losses sustained by them, We have thought fitt, for the Vindicating the Honour of our Crown, and for procuring Reparation and Satisfaction for our injured Subjects, to Order Reprisals to be made upon the Crown and Subjects of Spain. And We do therefore by Virtue of these Presents, authorise and impower you to issue forth and grant Commissions of Marque and Reprisal to any of our loving Subjects or Others who shall apply to you for the same, and whom you shall deem fitly qualified in that Behalf, for arming and fitting out private Ships of War for the apprehending, seizing, and taking the Ships, Vessels, and Goods belonging to the King of Spain, his Vassals and Subjects, or any inhabiting within his Countries, Territories, and Dominion in the West Indies. Provided always, that before any such Commission or Commissions be issued forth, Security be given upon every such Commission as hath been used in such Cases, and you shall insert in every Commission to be so granted by you, all such Clauses, and give such Directions and Instructions to the Persons or Persons to whom you shall grant such Commission, as have been usual in Cases of the like nature, and for so doing this shall be your Warrant; and so we bid you Farewell. Given at our Court at Kensington, the fifteenth day of June, One thousand seven hundred and thirty-nine, in the Thirteenth year of our Reign.

"By His Majesty's Command,
"HOLLIS NEWCASTLE."

"Now to the End that His Majesty's Subjects under my Government may be upon their Guard to prevent any Mischief they might otherwise suffer from the Spaniards, in Revenge for the Measures His Majesty is obliged to take to do Himself and His Subjects Justice, and that they may in their several Stations annoy the Subjects of Spain in the best manner they are able, I am commanded to make publick His Majesty's said Orders. And it is further His Majesty's Royal Will and Pleasure, signified to me by his Grace the Duke of Newcastle, one of His Majesty's principal Secretaries of State, That no Amunition or Stores of any Kind whatsoever be carried to the Spaniards, under Pain of His Majesty's highest Displeasure, and of being rigorously and severely prosecuted for the same, of which all Magistrates, Officers, and others, are to take Notice, and to use the most effectual Methods for prevention thereof.

Given under my Hand and the Great Seal of the Province of Pennsylvania, at Philadelphia, the Twentieth day of August, Anno Domini, One thousand seven hundred and thirty-nine, and in the thirteenth of his Majesty's Reign.

"GEORGE THOMAS.

"By Command—THOMAS LAURIE, Secretary.

"GOD SAVE THE KING."

Samuel Preston, Ralph .
Clement Plumsted, Thomas

The Minutes of the 20th of August last

His Honour the Governour laid before th
Sherifs and Coroners for the County of I
Robinson and Isaac Leech being returned
Owens and David Evans being returned for
were Ordered to be made out for Septimus
Owen Owens as Coroner for the Year Ensui
and John Parry being returned as Sherifs, a
Evan Ellis as Coroners for Chester County, I
missions be made out for John Parry as Sher
as Coroner for the Year Ensuing. The Retu
were laid before the Board. John Hart and
returned for Sherifs, and William Atkinson a
for Coroners, a Commission was Ordered to be
Atkinson as Coroner for the Year Ensuing. A
has not presented himself to the Governour
in that Case made and provided, It is resolved
to consider of it before a Commission be issue

At a Council held at Philadelphia, October

PRESENT:

The Honourable GEORGE THOMAS, Es
equour.

Buchanan as Sherif and Joshua Lowe as Coroner for the Year Ensuing.

The Return for Sherif for Bucks County being again considered, It is ordered that a Commission be made out for John Hart for Sherif for the Year Ensuing.

At a Council held at Philadelphia, October 16th, 1739.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Samuel Preston, Samuel Hasell,
Thomas Laurence, Thomas Griffitts, } Esqrs.
Ralph Assheton,

The Representatives having by five of their Members informed the Governour, George Thomas, last night, that they had met according to their Charter, and had made choice of a Speaker, and desired to know when the Governour would be attended to present him. The Governour appointed Eleven of the Clock this day, when they attended accordingly, and John Kinsey, Esqr., after some excuses made for his want of Capacity and Experience, declared his willingness to undertake that Charge, if he should meet with the Governour's Approbation; to which the Governour answered:

"Your Character, Sir, sets you above all Exception, and I should betray a want of Judgment if I did not approve of the Choice the Assembly has made of you for their Speaker."

The Speaker then made the usual Requests on behalf of the House and himself, in regard to their Priviledges or his Mistakes; to which the Governour replied:

"As I have never hitherto invaded any one of the Assembly's Priviledges, I have too great a regard for my own Reputation ever to act in a different manner."

Then having desired the attendance of the Assembly at four this Afternoon, and the Assembly being withdrawn, the Governour laid before the Board a Draught of a Speech he intended to deliver to them.

EODEM DIE, P. M.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

Samuel Preston,	Ralph Assheton,	Esqrs.
Clement Plumsted,	Samuel Hasell,	
Thomas Laurence,	Thomas Griffitts,	

The Speaker and the Members of the Assembly attending, the Governor made the following Speech, and delivered a Copy of it to the Speaker, viz^{r}:

"Mr. Speaker, and Gentlemen of the Assembly:

"The Measures His Majesty has thought himself obliged to take for the Support of the Honour and Dignity of his Crown, the Security of the just Rights of his Subjects, & the good and safety of his Dominions, by ordering the Ships and Effects of the King of Spain and his Subjects to be seized, ought to caution us to be upon Guard to prevent any Mischief we might otherwise suffer from the Spaniards in Revenge for these Measures. And as there is too much Reason to apprehend, by all our Accounts from Europe, that a Neighboring Nation, powerful and watchful of all Advantages, will join with Spain, and that a bloody & destructive War is like to Ensue, My Duty to His Majesty, my Resolution faithfully to discharge the Trust committed to me, and my concern for your Safety, will not allow me to be silent in a time of so great danger.

"I therefore earnestly recommend to you to turn your thoughts upon the defenceless State of this Province, and to put it into such a Condition, before it be too late, as become Loyal Subjects to His Majesty, and Lovers of your Religion and Liberties.

"The Miseries of a City sack't, or a Province ravag'd, are more easily imagined than described; and if attended to must influence every Lover even of his own Family to defend that part of it, which from Sex or Age must depend upon him for Protection from the Insolence and Wickedness of Licentious Invaders.

"As the situation of Affairs in Europe gives me reason hourly to expect His Majesty's Commands to lay before him the Strength and Circumstances of this Government, I hope your Resolutions will be such as will tend to preserve His Majesty's Regard for you, to the Security of this Province, and I may say of this part of the British Empire in America, since the loss of it must greatly endanger the whole; And that you will not be unmindful of His Majesty's, your own, and the general Honour and Interests of these

parts of His Majesty's Dominions, when the neighbouring Provinces are vigorously pursuing these laudable Ends.

"October 16th, 1739."

Then the Assembly withdrew.

At a Council held at Philadelphia, October 18th, 1739.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Samuel Preston, Thomas Griffits, } Esqrs.
Ralph Asheton,

The Governour communicated to the Board a Message which he received last night from the Assembly, which was read, and is as follows, viz^{t}:

"October, 17. 1739, P. M. The House resuming the Consideration of the Governor's Speech, after some Debate thereupon, came to a Resolution that the Message following be sent to the Governor, viz^{t}:

"Resolved,

"That Robert Jones, Edward Warner, Joseph Kirkbride, Joseph Harvey, and John Wright, wait upon the Governor & acquaint him That the House having taken his Speech into their Consideration, and conceiving it in its Nature a Matter of very great Importance, such as will require Time and Deliberation, and the Governor being in a short time to give his Attendance in another Place, and this being a Season of the year in which the House rarely sit for the Dispatch of the publick Business, and apprehending that no inconvenience can arise by postponing the Consideration thereof until their next Meeting, Therefore, if the Governor has nothing to object to it, the House incline to adjourn until the thirty-first Day of December next.

"Signed by Order of the House,
"JOHN KINSEY, Speaker."

And then laid before the Board an Answer which he had prepared; which was read & agreed to, and then sent to the Assembly by the Secretary:

"Gentlemen—

"When I spoke to you last I was not ignorant of its being unusual for Assembly's to sit to do Business at this Season of the Year; but the threatening aspect of Affairs in Europe made me justly

Apprehensive that a Delay might be attended not only with Inconveniences but with very great Danger; &, therefore, I promised myself that your House would wave a Rule no ways Essential, to have enter'd upon a Matter of as great Importance as perhaps was ever laid before an Assembly of this Province, and upon which the Security of it, under God, depends.

"It has always been esteemed an Instance of great Wisdom in Governments to see Danger at a Distance, & to make a timely Provision against it; and I think the timely Caution His Majesty has given us to be upon our Guard is an Instance of his tender Concern for our Welfare, & ought to excite in us a suitable Regard for His Majesty's Honour & our own Safety.

"I shall indeed be obliged to meet the Assembly at Newcastle, the 22d of this Month; but something might have been resolved by that time, or a short adjournment then proposed; but as the time of adjourning is a Privilege of your House, I must be content with having so far done my Duty, and heartily wish there may be no further occasion to call you together again before the time mentioned."

At a Council held at Philadelphia, November 6th, 1739.

PRESENT:

The Honourable GEORGE THOMAS, Esq., Lieutenant Governour.

Anthony Palmer, Samuel Hasell, Clement Plumsted, Thomas Griffitts, Ralph Assheton, } Esqrs.

The Minutes of the 18th of October last being read and approved,

His Honour the Governor laid before the Board a Letter he had received by the last Ship from London from the Lords of Trade, inclosing two Addresses of the House of Lords & Commons relating to the Paper Currency, which were read, and are as follows, viz[t]:

"Whitehall, July the 5th, 1739.

"Sir—

"We send you herewith Copies of two Addresses from the House of Lords, and likeways of two Addresses from the House of Commons to His Majesty, of the 13th of the last Month, and desire that you will forthwith prepare & transmit to us as soon as possible the

sev^l Accounts therein required, that the same may be laid before the respective Houses the next meeting of Parliament.

"So We bid you heartily farewell; and are

"Your very loving Friends and humble Servants,

"MONSON,
"EDW. ASH,
"R. PLUMER,
"M. BLADEN.

"Col. Thomas, Deputy Governor of Pennsylvania."

"DIE MERCURII, 13th Junii, 1739.

"Ordered by the Lords, Spiritual & Temporal, in Parliament Assembled, That an humble address be presented to His Majesty That His Majesty will be graciously pleased to give directions to the proper Officers That an account be prepared and laid before this House at their next Sessions, at what Rates all Gold and Silver Coins were accounted, received, taken, or paid, & Gold and Silver were purchased at or sold for ℔ Ounce in any of the British Colonies and Plantations in America in the years 1700, 1710, 1720, 730; and at what Rates Gold and Silver Coins are accounted, received, taken, or paid, and Gold & Silver are purchased at or sold or ℔ Ounce at this Time in such Colonies and Plantations, distinguishing each Colony & Plantation.

"Sign'd

"W^M. COWPER, Cler: Parliamentor."

"DIE MERCURII, 13 Junii, 1739.

Ordered by the Lords, Spiritual & Temporal, in Parliament assembled, that an humble address be presented to His Majesty That His Majesty will be graciously pleased to give Directions to the proper Officers That an account be prepared and laid before this House at their next Sessions, what was the Amount of the Paper-Bills or Bills of Credit which by Virtue of any Act or Acts of Assembly subsisted or passed in Payment in any of the British Colonies or Plantations in the year 1700; And, also, an Account of the Amount of what Paper-Bills or Bills of Credit of any Species or Kinds, have by Virtue of any Act or Acts been created or issued in any of the said Colonies or Plantations since the year 1700, with the amount of the Value in Money of Great Britain of such Bills at the respective Times of their creating & issuing; and what Provision was made thereby for the sinking or discharging of any such Paper-Bills or Bills of Credit; Together with an Account of the Amount of the Bills that have been Sunk or discharged in pursuance thereof; and, also, of the Bills subsisting or passing in Payment at this Time in any of the said Colonies and Plantations, with the Amount of *the Value in Money* of Great Britain of such Bills,

distinguishing each Species or kind of paper Bills or Bills of Credit, and each Colony or Plantation.

"Sign'd

"W^M. COWPER, Cler: Parliamentor."

MERCURII, 13 Die Junii, 1739.

"Resolved,

"That an humble address be presented to His Majesty, That His Majesty will be graciously pleased to give Directions that an Account be prepared, in order to be laid before this House the next Session of Parliament, of what Rates all Gold and Silver Coins were accounted, received, taken, or paid, and Gold and Silver were purchased at and Sold for ℔ Ounce in any of the British Colonies and Plantations in America in the years 1700, 1710, 1720, 1730; and at what Rates Gold and Silver Coins are accounted, received, taken, or paid, & Gold and Silver are purchased at or sold for ℔ Ounce at this Time in the said Colonies and Plantations, distinguishing each Colony and Plantation.

"Resolved,

"That an humble address be presented to His Majesty, that his Majesty will be graciously pleased to give Directions that an Account be prepared, in order to be laid before this House the next Session of Parliament, of what was the amount of the Paper-Bills or Bills of Credit which, by Virtue of any Act or Acts of Assembly, subsisted or pass'd in Payment in any of the British Colonies or Plantations in the year 1700, and also an account of the Amount of what, Paper-Bills or Bills of Credit of any Species or Kind, have, by Virtue of any such Act or Acts, been created or issued in any of the said Colonies or Plant^s since the year 1700, with the Amount of the Value in money of Great Britain of such Bills at the respective Times of their creating and Issuing, & what provision was made thereby for the sinking or discharging of any such Paper-Bills or Bills of Credit, together with an Account of the Amount of the Bills that have been sunk or discharged in Pursuance thereof, and also of the Bills subsisting or passing in Payment at this time in any of the said Colonies & Plantations, with the Amount of the Value in Money of Great Britain of such Bills, distinguishing each Species or Kind of Paper-Bills or Bills of Credit, & each Colony or Plantation.

"Ordered,

"That the said Addresses be presented to His Majesty by such Members of this House as are of His Majesty's most hon^ble Privy Council.

"Sign'd,

"N. HARDINGE, Cl. Dom. Com."

He then proposed the calling the Assembly to meet on the nine-

teenth Instant, which the Board agreeing to, the matters contained in the Letter & Addresses being of great Consequence to the Interests of the Province, a Writt for that purpose was read & approved.

At a Council held at Philadelphia, November 20th, 1739.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

Samuel Preston, Clement Plumsted, Esqr.

His Honour, the Governor, received a Message last night informing him the Assembly was met according to the Writts of Summons issued by his Honour, which they desired might be laid before their House, which, with the Letter from the Lords of Trade, the addresses of the Houses of Lords and Commons, and the following Message, were sent to the Assembly by the Secretary:

'His Honour, the Governor, in Council, to the Gentlemen of the Assembly.

"Gentlemen:

"The necessity of this Meeting in Assembly before the time to hich you stood adjourn'd, will be manifested by the Letter from the ight Hon^ble^ the Lords' Commissioners for Trade and Plantations, id the Addresses of the Houses of Lords and Commons concerning ur paper Currency, which I received from their Lordships by the st Ship from London, and which my Secretary has in command lay before you.

"As the success of your last paper Money Bill may in a great easure depend upon enabling me to transmit the Accounts reired by the first Ship from London, and upon your well instructg your Agent there, I think it needless to urge you to give them the dispatch in your Power, or to make any Professions of my gard for the Interest of the Province, since my giving you this portunity of stating your own Case is a Proof of it."

At a Council held at Philadelphia, November 26th, 1739.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut. Governor.

ement Plumsted, Samuel Hasell, } Esqrs.
alph Assheton, Thomas Griffitts, }

The Minutes of the two preceeding Meetings were read and proved.

In answer to the Governor's Message of last Meeting the Assembly sent the following Address to some of their Members.

"To the Honourable George Thomas, Esquire, Lieutenant Governor of the Province of Pennsylvania and Counties of New Castle, Kent, & Sussex on Delaware.

"The Humble Address of the Representatives of the Freemen of the said Province.

"May it please the Governor—

"We, the Representatives of the Freemen of the Province of Pennsylvania in General Assembly met, having taken into Consideration the Governor's Message of the 20th Instant, gratefully acknowledge the Regard shewn for the Interest of the Province in calling us together before the Time to which we were adjourned on so important an Occasion.

"By the papers the Governor has been pleased to communicate us, it appears highly probable our Bills of Credit (amongst others), and the Acts by which they were emitted, will undergo an Examination in Parliament; and, therefore, we conceive it a Duty incumbent upon us to make the Enquiry and render the Account recommended to us with all the Dispatch we can, to the end the Governor, if he thing proper, may transmit them to the Lords for Trade and Plantations.

"The Care taken by the Legislature of this Province from time to time has been such that no Bills of Credit have been issued here but on Land Security of double the Value of the Sums emitted; Nor do we know that they have been wanting on any occasion to support the Credit of those Bills by all the Means in their Power; And whenever a Scruteny shall be made into this Affair, We have Reason to believe our Bills of Credit will not only be found absolutely necessary for carrying on the Trade of this Province, but of great advantage to Great Britain. Therefore, whatever may be the Case of other Colonies, as we entertain no doubt of the Justice of a British Parliament, We hope Pennsylvania will not suffer by their Enquiry.

"Signed by Order of the House.

"JOHN KINZEY, Speaker.

"Nov. 21, 1739."

The Governor likewise laid before the Board a Message he had received from the Assembly on Saturday last, with an Annexed Account of the several Acts passed in the Province of Pennsylvania for the creating and issuing Paper-Bills or Bills of Credit, &c. to be transmitted to the Lords for Trade and Plantations; Which were read.

A Message from the Assembly to the Governor.

"May it please the Governor—

"By a Report from our Committee, appointed for that purpose

read & approved of by the House, a Copy whereof is hereunto annexed, the Rates of Gold & Silver amongst us from the year 1700 to the present time are fully ascertained. It also contains an Account of the Acts which have passed in this Province for making and issuing of Bills of Credit, on what Security they were emitted, their Quantity and Value; which we hope will enable the Governor to render a satisfactory Account thereof to the Lords for Trade and Plantations, and such as will not be Disadvantageous to this Province.

"We did not think it proper on this Occasion, and have, therefore, forborn being particular in shewing the great advantages which have arisen from our paper Currency to the Trade of Great Britain as well as to ourselves. What Observations of this kind may occur to us we judge will most properly be communicated by our Committee of Correspondence to our Agent, to enable him to state the Affairs in a proper Light if it should hereafter become the Subject of a Parliamentary Enquiry.

"We are not sensible that any of the Facts contained in the Report annexed are either mistaken or mis-stated; nor are we desirous any such should be transmitted from hence. But as we apprehend our Bills of Credit are of very great Consequence to us, both in respect to our Forreign and Domestic Trade, from the Regard the Governor hath hitherto shewn for the Interest of this Province, we promise ourselves, That so far Truth and Justice will support it, He will render a favourable Account of our paper Money.

"By Order of the House,

"JOHN KINZEY, Speaker.

"Nov. 24th, 1739."

An Account of the several Acts passed in the Province of Pennsylvania, for creating or issuing Paper-Bills or Bills of Credit, with the Amount of those Bills and the Value thereof in Money of Great Britain; and the Provisions made for sinking or discharging the same, together with the Sum of Bills that have been sunk or discharged, also the Sum of Bills subsisting or passing in Payment at this Time, with the Amount of the Value thereof in Money of Great Britain.

In the year 1723, two Acts was passed for creating the first Bills of Credit, by which £45,000 was issued; and for the effectual Discharging or Sinking the said Bills, it was therein provided and enacted, that a Real Estate in ffee Simple of double the value of the Sums lent out, should be secured in an Office erected for that purpose; and that the Sums so lent out sho^{d} be annually repaid into the Office in such equal Sums or Quotas as would effectually sink the whole capital Sum of £45,000 within the Time limited by the aforesaid Acts. Which Sum being computed in Silver as it was then received and paid among us, and reduced to sterling Money of

Great Britain, amounts to £29,090 13 4. But in the year 1726 the sum of £6,110 5 0, part of the capital Sum of £45,000, by Virtue of the two aforesaid Acts, being totally sunk and destroyed, the Province found themselves greatly straitned by means thereof, and likely to become Subject to many Disappointments & Losses for want of a sufficient Medium in Trade if the remaining Quotas or Payments should continue to be sunk according to the Direction of the Acts. Therefore, an Act was then passed for continuing the remaining Sum of £38,889 15 0 for & during the Term of Eight years, by Re-emitting or Lending out again the Quotas or Sums to be paid in by the respective Borrowers on the same Securities and Provisions as were directed by the former Acts.

"The Bills of Credit emitted in the year 1723 being thus reduced by the Sinking aforesaid Sum, and the Inhabitants of the Province growing exceeding numerous thro' the Importation of Foreigners & others settling among us, by which Means the Trade became greatly enlarged, the Difficulties still increased, and the Province found themselves under the Necessity of making an Addition to those Bills of Credit; and accordingly in the year 1729 the further Sum of £30,000 was then created and issued upon the same Security of Real Estates in Fee Simple, to be mortgag'd in double the Value of the Sum lent, and to be paid in by-yearly Quotas, and sunk & destroyed as the former Acts, passed in the year 1723, had provided and directed in the like Case.

"In the year 1731 the Acts for issuing Bills of Credit, passed in the year 1723, being near expired, and the annual Quotas remaining due on the said Acts, by Virtue thereof being at this time to be sunk and destroyed, which would unavoidably have involved the Merchants as well as Farmers in new Difficulties, and laid the Province under a Necessity of making new Acts of Assembly for emitting more Bills of Credit in Lieu thereof, An Act was then passed for continuing the Value and Currency of those Bills for the Term of Eight years, by Lending out the same as they became due, with the same Provisions, and on the same real Securities provided for & directed by the former Acts.

"The Amount of the Bills of Credit in the present year 1739, by Virtue of the aforesaid several Acts, amounting only to £68,889 15, from the daily increase of the Inhabitants, and the continued Importation of fforreigners among us, being found by Experience to fall short of a proper Medium for negotiating our Commerce, and for the support of Government, an Act was passed for creating and issuing a further Sum of £11,110 5 0, and for continuing the whole amount of our Bills of Credit for a short Term of years under the same real Securities, and with the same Provisions and Limitations as directed by the former Acts; by means of which additional Sum the whole amount of Bills of Credit current in this

Province is at this time £80,000, which Sum being computed in Silver as now purchased here, and reduced to Sterling Money of Great Britain, makes £50,196 0 0. Yet notwithstanding Merchants and others have given some advance to purchase Gold and Silver, we are assured from Experience that that Difference arises only from the Ballance of our Trade with Great Britain being in our Disfavour, by means of the far greater Quantities of English Goods imported into this Province since the creating and issuing our Bills of Credit. For the Adventurers advancing the Prizes of their Commodities, and encouraged by meeting with a ready Sale, became great Gainers, whilst Wheat, Flour, and all the valuable produce of the Province, continued at or near the usual Prizes, and are at this time to be purchased with our Bills of Credit as low or lower than has been almost ever known, when Gold and Silver was the Medium of our Trade; and all Tradesmen, Hired Servants, and other Labourers have always been and are still paid at the same Rates & no more for their Labour than they formerly received, before the creating or issuing our Bills of Credit.

"Submitted to the Correction of the House.

"ISAAC NORRIS,
"THOS. LEECH,
"ABR. CHAPMAN,
"JAS. MORRIS,
"JUS. KEARSLY,
"ISRAEL PEMBETON.

"Philad., Nov. 23, 1739."

An Account of the several Rates of Gold and Silver Coin, and Prices they were accounted, received, taken, purchased up, and sold for by the Ounce, and what Rates Gold and Silver Coin are purchased at and sold for by the Ounce at this time:

"From the year 1700 to the year 1709, Gold was received and paid at £7 ℔ oz., and Silver at 9s. 2 ℔ oz.

"From the year 1709 to the year 1720, Gold was received and paid at £5 10 0 ℔ oz., and Silver at 6s. 10½ ℔ oz.

"From the year 1720 to the year 1623 Gold, was received and paid at £5 10 0 ℔ oz., and Silver Coin was purchased with Gold at 7s. 6 ℔ oz.

"From the year 1723 to the year 1726, Gold was purchased and sold at £6 6 6 ℔ oz., and Silver at 8s. 3 ℔ oz.

"From the year 1726 to the year 1730, Gold was purchased at £6 8 9, and Silver at 8 s 1 ℔ oz.

"From the year 1730 to the year 1738 Gold, was purchased and sold at £6 9 3, and Silver at 8s. 9 ℔ oz.

"And now in this present year, 1739, Gold is purchased and sold at £6 9 3 by the Ounce, and Silver at 8s. 6 ℔ oz.

"Submitted to the Correction of the House.

"ISAAC NORRIS,
"THOS. LEECH,
"ABR. CHAPMAN,
"JAS. MORRIS,
"JUS. KEARSLY,
"ISRAEL PEMBERTON.

"Philadia., Nov. 23, 1739.

"A true Copy of the Minutes.

"B. Franklin, Cl. Syn."

And referred to Clement Plumsted, Esqr., for his Observations against the next Meeting, and then the Council adjourned till to Morrow at ten of the Clock.

At a Council held at Philadelphia, November 27th 1739.

PRESENT:

The Honourable GEORGE THOMAS, Esq., Lieu^t. Governour.

Samuel Preston, Samuel Hasell, Clement Plumsted, Thomas Griffitts, Ralph Assheton, } Esqrs.

The Minutes of the preceeding Day were read and Approved,

Clement Plumsted, Esquire, pursuant to the Appointment of the last Meeting, presented a Draught of an Account of the Paper Currency to be laid before the Lords of Trade, with some observations on the Account delivered by the Assembly to the Governor, which being read, were approved of and sent to the Assembly with the following Message from the Governor, viz^t.:

"Gentlemen:

"In a Matter of so great consequence as the Currency of the Province, too much Care cannot be taken in stating the Accounts required of me, more especially when it shall be considered that they are to be laid before the Parliament (for it is already become the Subject of a Parliamentary Enquiry), whose Sagacity in discovering Errors is as well known as their Justice will be in distinguishing where the paper Emissions have or have not been advantagious to Great Britain.

"I am truly of Opinion that your Bills of Credit are now absolutely necessary for carrying on your Trade, and will continue useful so long as they shall be kept within due Bounds, and I would gladly render such an Account of them as should show my real Regard for

terest of Pennsylvania. But lest I should commit any mistakes prejudice, I chuse to transmitt the Accounts you shall putt ıy hands, without the least Addition or Alteration of my I cannot, however, but observe to you that those delivered with your last Message lie open to some Objections, which ritish Merchants trading hither will readily point out. Lest, ore, the Case should appear in a worse light than it really de-, I should be glad you would reconsider them, and make such tions as you shall be convinced from the Draught & Observa-herewith sent you, are really necessary."

Petition of John Wright, and others, about a Road to Lan-, was read and referred to farther Consideration.

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a Council held at Philadelphia, January 10th, 1739.

PRESENT:

Honourable GEORGE THOMAS, Esqr., Lieu^{t} Governour.

ıs Laurence, Samuel Hasell, } Esqrs.
Assheton, Thomas Griffitts, }

Minutes of the 27th of November last were read and Ap-l.

Governor communicated to the Board a Message he received he Assembly since the last Meeting, which is as follows; and same time they informed Him of their Intention to adjourn, he agreed to, and promised them to transmit the Report by the House, of the State of the Paper Currency of this, ee to the Lords for Trade and Plantations, since they could perswaded to make any Alterations in it.

lessage from the House of Representatives to the Governor.

ıy it please the Governor:

on re-examining the Report of the Committee, we cannot y Contradiction or Inconsistance in that Report. For deduct-Sum of £6,110 5 0 sunk on the two first Acts or Emis-from the whole Sum of Bills of Credit created by virtue of cts, amounting to £86,110 5 0, the Remainder will be 0—the true Sum or Amount of all the Bills of Credit at me current in this Province.

on the questions now before us, by the several Orders and es of the Parliament of Great Britain, We conceive ourselves no Direction or Necessity of calculating the Value of our by the Course of Exchange, which is at least as uncertain ways higher than the prices of Silver & Gold, because the ınt includes the Freight and Risque of Insurance on the pur-f Bills of Exchange. But as the Value of Gold and Silver

(especially the latter) is well known, we apprehend we can
duce our Bills of Credit to Money of Great Britain by any
more clear or less liable to Exceptions.

The Draught sent down to the House seems to have been
drawn, is in many parts mistaken and difficult to be und
and does not in our Opinion answer the Questions proposed,
flects on the Credit in which our Paper Currency has alwa
tinued among ourselves; And, therefore, we hope the Rep
tion to be made of this Affair by the Governor to the L
Trade and Plantations, will be agreeable to the Sentiments
House, expressed in their former Message.

"By Order of the House.

"JOHN KINSEY, S

"Nov. 28, 1739."

The Assembly likewise gave the Governor Notice that th
met according to adjournment on the 31st of December
Evening, and were ready to receive any Business he had
before them. To which the Governor answered that he had
at present to offer to the House than what is already befor
but that if any thing should occur during their sitting h
communicate it by Message.

The Governor likewise informed the Board that on the
stant he had received the following Address from the As
Viz^{t}:

"To the Honble George Thomas, Esquire, Lieut. Governo
Province of Pennsylvania, &^{ca}:

"The humble address of the Representatives of the ffre
the s^{d} Province in General Assembly met:

"May it please the Governor:

"Wee, the Representatives of the Freemen of the Pro
Pennsylvania in General Assembly now mett, have taken
Serious Consideration the Governor's Speech at the Ope
this Assembly, and have a due Regard for the *concern E
therein for the Safety of this Province.* The present situ
Affairs in Europe Wee readily acknowledge give some re
fear a Rupture may ensue; And yet wee would willingly h
the unhappy differences now subsisting may be peaceably
dated, And the Calamities usually attending a Warr by the
avoided.

"Wee acknowledge ourselves under many Obligations
Crown and present Governments; And therefore from *P
gratitude, and interest,* Conceive ourselves bound on all O
to demean ourselves as become Loyal Subjects, *Lovers of o
gion and Liberties.* It is the regard Wee have for these

us to think in a Manner not exactly *Conformable to the Governor in the Matters recommended to us*, Wee therefore entreat his Charity in our different Sentiments, and his Patience whilst Wee render an account wherein and why it is so. Be pleased then to know, That soon after the Royal Charter Granted of this Province to our late worthy Proprietor, among other Laws which were agreed on betwcen him and those who were Purchasers of him and proposed to become Adventurers with him, That for the full Enjoyment of *Liberty of Conscience was one*, which Law with some small Alterations hath been since divers times confirmed, and not only remains in force to this Day, But so much was the Hapiness of the Inhabitants thought to depend on the Enjoyment of Liberty of Conscience, That our Proprietor in his *Charter of Privileges* granted to the Freemen of this Province, did thereby Solemnly declare, promise, and grant for himself, his Heirs and Assigns, That the Article therein contained relating to Liberty of Conscience and every part and Clause therein 'According to the true intent and meaning thereof, should be kept and remain without any Alterations inviolably for ever.' It was no doubt the Enjoyment of this Privilege amongst others, and the transmitting them to Posterity, which induced those Adventurers to leave their Native Countrie (where many of them lived well) to Cultivate and Improve this, then Wildeness Country; And it is not unknown most of them were of the People called Quakers, and principaled against bearing of Arms in any Case whatsoever.

"The Circumstances of the Province, It's true, are now much altered, for altho' great Numbers remain of these, thus Conscientiously persuaded, many others are since come amongst us under no such restraints, some of whom have been disciplined in the Art of Warr, and may, for ought we know, think it their Duty to fight in defence of their Country, their Wives, their Familys, and Estates; such have an Equall right to Liberty of Conscience with others. But as very many of the Inhabitants of this Province are of the People called Quakers, who tho' they do not (as the World is now Circumstanced) *condemn the use of* Arms in others, Yet are *principled against it themselves*, and to make any Law to compell them *against their Consciences to bear Arms* would not only be to violate a fundamental in our Constitution, & be a direct breach of Our Charter of Privileges, but would also in Effect be to *Commence Persecution* against all that part of the Inhabitants of the Province; and should a Law be made which might Compel others to bear Arms and Exempt that part of the Inhabitants, as the greater Number in this Assembly are of like Principles, would be an Inconsistency with themselves, and partial with respect to others.

"The Royal Charter before-mentioned reciting that 'because in so remote a Country, & scituate near many barbarous Nations, the Incursions as well of Savages themselves as of others Enemies, Pirates, and Robbers may probably feared;' therefore full power

was thereby given 'to the Proprietor aforesaid, his Heirs and Assigns, by themselves or their Captains, or other their Officers, to levy, muster, and train all Sorts of Men of what Condition soever or wheresoever born in the said Province of Pennsylvania for the time being, and to make Warr and to pursue the Enemies & Robbers aforesaid as well by Sea as by Land, even without the Limits of the said Province, and by God's Assistance to Vanquish and take them, and being taken to put them to Death by the Law of Warr, or to save them at their Pleasure; And to do all and every other thing which unto the Charge and Office of a Captain General of an Army belongeth, or hath accustomed to belong, as fully and freely as any Captain General of an Army hath ever had the same;' And this Power thus Granted has in part been exercised by some Governours within this Province, and continues unrestrainedly by any Laws that Wee Know of Save those which relate to Liberty of Conscience. The Words of this Charter are very extensive, And will, Wee hope, suffice to all the purposes the Governour and those in like manner Principled can reasonably desire, without any Interposition of ours, Altho' Wee are fully perswaded that Whatever Preperations may be made here they will prove ineffectual without the aid of our Mother Country. From thence it is, morally speaking, Wee must hereafter, as heretofore, principally depend for Preservation from the Insults of our Enemies, Not doubting but that Wee shall share in that Protection Our Gracious Sovereign denys not even to the meanest of His Subjects; And having at the same time a due dependence on that Power which not only Calms the raging Waves of the Sea, but setts Limits beyond which they cannot pass; And remembering the Words of the sacred Text, That 'Except the Lord keep the City the Watchman waketh but in vain.'

"By Order of the House,

"J. KINSEY, Speaker.

"11th Mo., 5, 1739."

And then laid before the Board a Message he had drawn in Answer to the said Address, which being read, was approved of and sent to the Assembly.

"Gentlemen:

"Your dutiful Expressions of His Majesty, your Gratitude for the many Blessings you enjoy under His Government, and the just sense you entertain of my Concern for the safety of the Province, notwithstanding our Difference of Opinion in other Matters, render your Address very acceptable to me. I should have thought myself happy not to have been laid under a Necessity, by the Posture of Affairs in Europe, of pressing a Matter so disagreeable to the religious Sentiments of many of the Inhabitants of this Province; but as I think myself indispensably oblig'd by the Duty I owe to His Majesty in Discharge of the Trust reposed in me by your Hon-

ourable Proprietors, and from a disinterested Regard for the Lives and Fortunes of the People under my Government, to warn you of the impending Danger, I hope you likewise will have Patience with me, and continue to entertain the same charitable Sentiments of my Intentions.

"In my Speech to you at your first Meeting, I considered you as the Representatives of the whole body of the People, as a part of the Legislature, and as Protestants, and as such I desired you to turn your Thoughts upon the defenceless State of the Province, and to put yourselves into such a Condition as becomes Loyal Subjects to His Majesty and Lovers of your Religion and Liberties. As it did not become me to distinguish the particular religious Perswasions of every Member of your House, I could speak of your Religion no otherwise than in Contradistinction to the bloody Religion of France and Spain; but now from what you yourselves have declared, I must lament the unhappy Circumstances of a Country, populous indeed, extensive in its Trade, bless'd with many natural advantages, and capable of defending itself, but from a religious Principle of its Representatives against bearing Arms, subject to become the Prey of the first Invader, and more particularly of its powerfull Neighbours, who are known to be well armed, regular in Discipline, inured in Fatigue, and from thence capable of making long Marches, in Alliance with many Nations of Indians, and of a boundless ambition.

"Far be it from me to attempt the least Invasion on your Charter, r your Laws for Liberty of Conscience, or to engage any Assembly a Measures that may introduce Persecution for conscience sake. I ave always been a profess'd advocate for Liberty, both Civil and eligious, as the only rational Foundation of Society; and I trust hat no Station of Life will ever alter my Sentiments. Religion, here its Principles are not destructive to civil Society, is to be udged of by Him only who is the Searcher of all Hearts; and I hink it as unreasonable to persecute Men for their religious Opinons as for their Faces; But as the World is now Circumstanced, o purity of Heart, no set of religious Principles, will protect us rom an Enemy; were we even to Content ourselves with Cottages nd the spontaneous productions of Nature, they would rob us of he very Soil; but were Treasure is they will be eagear and watchul to break in and spoil us of it. You yourselves have seen the ecessity of acting in civil affairs as jurymen and Judges, to Conict and Condemn such little Rogues to Death as break into your louses, and of acting in other Offices where Force must necessarily e used for the preservation of the publick Peace; and are the uits of your Labour, and the Labour of your Forefathers, reserved aly to be given up all at once to His Majesty's Enemies and the nemies of your Religion and Liberties? The Freeholders of the rovince have chosen you for their Representatives; and many of

Trade and Plantations, will be agr
House, expressed in their former M
"By Order of

"Nov. 28, 1739."

The Assembly likewise gave the
met according to adjournment on
Evening, and were ready to recei
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"To the Honble George Thomas,
Province of Pen

"The humble address of the R
the s^d. Province in General Assem

"May it please the Governor:

"Wee, the Representatives of t
Pennsylvania in General Assem
Serious Consideration the Gover
this Assembly, and have a due

'Every Man that acknowledges the Superintendence of one preme Being in the Affairs of the World, must be sensible that hout His Blessing all we do will come to nothing; and yet we ld, we plant, we sow, and we send Ships to Sea, concluding that t these are necessary means for accomplishing the Ends desired. t that we should do all these, and at the same time expect that d should fight our Battles, without preparing ourselves the neces- y means for our Defence, I confess can be no more reconciled to r understanding than that Because the Lord stills the raging aves of the Sea, the Seamen may therefore leave the Sails of the ip standing, and go to sleep in a Storm; Or that Watchmen are erefore unnecessary, because Except the Lord keep the City the Vatchman waketh but in vain.

"But perhaps I may be thought to have gone out of my Province, herefore shall return once more to beseech you out of the sincerest ffection for your Interests, to act as will undoubtedly be expected f you by His Majesty, for the Security of this Part of His Do- minions, as becomes Protestants and Lovers of your Liberties, your Country, and your Families.

"GEORGE THOMAS.

"Philad., January 10, 1739.

"By his Honour's Command.

"Thomas Lawrie, Secr."

At a Council held at Philadelphia, January 21st, 1739.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut. Governor.

lement Plumsted, Samuel Hasell,
homas Laurence, Thomas Griffitts, } Esqrs.
alph Assheton,

The Minutes of the 10th instant were read and approved of.

The Governor laid before the Board a Message he received on turday last from the Assembly, which was read, and is as follows:

"A Message to the Governor from the House of Representatives answer to his of the tenth instant:

"May it please the Governor:

"It is in some degree satisfactory to us, notwithstanding our Dif- rences in Opinion in divers Things, that any thing remained hich rendred our Address acceptable to the Governour; And we ould in this respect have thought ourselves happy not to have en laid under the Necessity of entering into a Dispute, the con- quences of which, we think, are full as much to be feared as the pending *Dangers against which* we are warned.

"To consider us as the Representatives of the whole Body of the People, as a part of the Legislature, and as Protestants, was undoubtedly Right; And we agree it might not have become the Governour to have distinguished the particular Religious perswasion of every Member, And yet we litle thought him a Stranger to that professed by the Majority of this House, or that any declaration of ours should have given Ground to lament the unhappy Circumstances of a Country, our Duty, our Intrest and Inclination, prompt us so much to regard, Much less that a Country so populous, blessed with so many natural Advantages, and so capable of defending it self, should, from a religious Principle of its Representatives, be subjected a Prey to the first Invader—*A position not clear to our Understanding, and we hope mistaken. If it is populous and capable of defending it self, that capacity is unrestrained, and it must be want of inclination to exert it, and not the principles of its Representatives, which must subject it (as we conceive) a Prey to any invader.*

"That we have many natural Advantages is true; we are situate upon a River of difficult Navigation, far distant from the Sea, and not easily to be attacked from thence. New Jersey lies between us and the Ocean; New York and New England between us and the principle Settlements of the French; Maryland, Virginia, South Carolina, and Georgia between us and the Spaniards; and besides all these Advantages, a considerable Number of Inhabitants, equal, perhaps, to those of any other Colony, who, we *suppose, have been disciplined and inured to the Art of War.*

"The French of Canada, for ought we know, share in the ambition generally imputed to their Country Men, but we can by no means think them so formidable, nor any Enterprise from thence so feasable, as seems to be represented to us. Their principle settlements are many hundred miles distant, the intercourse between us difficult, both by Land and Water; a preparation to that purpose would require considerable Time and great Expence, and the Event in respect to them extreamly hazardous. For should any Attempt be made on this Province, we are, in a manner, Surrounded by others; the number of the French in proportion to the English inhabitants small; most part of the British Governments on the Continent must, in all probability, have Notice of it, and if those in this Province who are principled for defending their possessions by Force, were too week to resist (tho' the Governor allows they are not), *what can the French propose to themselves?* They must know that were it possible to succeed in an *Enterprise against us, they must yet, morrally speaking, be liable to be cut off either in staying here or in their Return to their own Country. Besides, from any accounts we have yet heard, no War is declared between the Crown of Great Britain and that Nation, and we would willingly hope never may. Why, then, should we only be so solicitous about the event of a thing which may never happen?*

"It must needs be pleasing to every true Lover of his Country hear the Governor declare himself so freely in Favour of our arter, our Laws for Liberty of Conscience, and of his having en an advocate for Liberty, both civil and religious. And yet we nnot exactly agree with the Governor's Sentiments when he tells that no Purity of Heart, no set of Religious Principles will pro-ct us from our Enemy; *for as there is an Almighty Power which perintends the Government of the World, Principles of Religion reeable to his Will and Purity of Heart, even as the World is at esent circumstanced, may hope for his Protection, who can turn e Hearts of Men as he pleases, and who, for the sake of ten ighteous Persons, would have spared even the Cities of Sodom and omarrah.*

"We take no Delight in differing in Opinion from the Governor, And yet we cannot see the exact Parity of Reasoning between the Convicting and Condemning of those little Rogues (as the Gover-nor is pleased to call them) who break into our Houses, and de-stroying the Soldiers of a foreign Prince in case of an Attack. The latter, indeed, may do us the greater Injury, and both, tis true, are made liable to suffer Death—the former by the Laws of our Coun-try, and the latter by the Law of Nations. *And yet it is Easy to discover the Difference between killing a Soldier, fighting (perhaps) in Obedience to the Commands of his Sovereign, and who may, possibly, think himself in the Discharge of his Duty, and executing a Burglar who broke into our Houses, plundered us of our Goods, and perhaps would have murdered too, if he could not otherwise have accomplished his Ends, who must know at the Time of the Commission of the Fact, It was a violation of Laws humane and divine, and that he thereby justly rendered himself obnoxious to the Punishment which ensued.* But we hope the Fruits of our La-bour, and those of our Forefathers, are reserved for neither of these. That the Freeholders of this Province have chosen us their Repre-sentatives is very true, and as true that divers of them have Peti-tioned us to the purpose the Governour is pleased to mention, for whom we have a due Regard. *But if the Number of petitioners were to determine, We are informed, and believe a much greater Number would apply in a Manner different to those;* Some of whom not of our Religious Persuasion, we presume, think as we do, That if the Measures proposed were fallen into, it would be a certain Ex-pence, the Benefit small and uncertain. *To build Forts, as we apprehend, would be of no use, and create a Charge too heavy for the Province to bear.* A Militia, though established by a Law like the voluntary Militia so handsomely described by the Governor, might exhibit a pretty piece of Pageantry for a Time, but be of no real Service to the Country. They differ, indeed, in this: a Militia established by Law may continue their show the longest, but were we to judge by what passes in some Neighboring Colonies, the power some Governors have been able by this Means to bestow on

their Officers, *have listed them in their Services to purposes different to what their Offices design'd them, and we believe of no advantage to the Governments in which they were Constituted.* The Payment *of Taxes for carrying on a War by our Friends in England is not paralell to the Case under Consideration;* nor do we think the Governor fully informed in Respect to what he is pleased to mention in the affair of Canada. Queen Ann, under her Sign Manual, did require of the then Lieu^t^ Governor *to be aiding and assisting in that Expedition*; but on his communicating it to the Assembly, they declared 'the Majority of the Inhabitants were of the People called Quakers, religiously persuaded against War, and therefore could not be active therein, yet believed it was their Duty to pay Tribute, and yield due Obedience to the power God had set over them in all things, so far as their Religious Persuasions would permit, and therefore took that Opportunity to express their Duty, Loyalty, and faithful Obedience, by giving a Sum of Money to the Queen's use;' altho' she never received it, it being applied by a succeeding Governor to his own particular use, *and can be no great Encouragement for future Assemblies to follow the Example.*

"However well acquainted the Governor may have made himself with the Powers granted by the Royal Charter, *We presume he has not been conversant in our first Proprietor's writings, otherwise* it would not have been possible for him to have drawn any such Consequence from that or any other Paragraph of the Charter relating to the Opinion of that great Man. He not only profess'd himself a Quaker and wrote in their Favour, *but particularly against War and Fighting,* In which he has said so much and so well for himself and as we need say little for him, We have no Inclination or Desire to extend the words of the Charter further than might be agreeable to that part of the Inhabitants which differ in their religious Persuasions from us, and which they shall think for their Benefit. Although it has been maintained that the Crown, and consequently others duly authorized from thence, in Case of an Invasion, may command Men to equip themselves at their own Expence and to face an enemy too in time of Danger; but however this be, there is no Doubt they are at Liberty to do what they may think necessary of the kind, voluntarily; And that we hope will suffice when they are convinced there is any real Danger. Indeed, if so small a number of the Inhabitants as Two or Three Hundred among so many Thousands not principled against War, be all who are likely to distinguish themselves in a Military manner, and they need Persuasions to it too, it must be of no great Service to the Country. But this, if true, seems to us to prove more than was intended by it, viz.: That far the greater number of these Inhabitants are against a Militia, *otherwise why do they need to be compelled who think it necessary for their common Safety?*

"The principles of the People called Quakers, we think, are so

ıll known to the Crown and Government in our Mother Country, at no Declaration of ours in that respect will inform them more an they already know; And yet the Indulgences we have received Cases wherein our Consciences were affected, as it excites our ratitude and renders the Obligations we are under to Loyalty & delity the stronger, so it gives us room to hope that in like Cases e shall not be exposed to their Derision & Contempt, but to the ntinuance of their Compassions and Protection.

"By a Law almost as old as the Creation, Building, Planting, Sowg, and other parts of Agriculture *became necessary for the Sustemce of Life;* And so to those who would traffick in Parts beyond e Seas, Ships and Seamen were requisite; the Nature of whose unrtaking obliged them to Industry in discharge of their Duty as ell as for their own Safety, and not attended with any Injury to hers; But because we may lawfully build, plant, sow, or send hips to sea, or that because it is necesoary for Seamen to take Care f a Ship in a storm, that therefore it is consistent with Christianity o defend ourselves at the Expence of the Lives of our Fellow-Creatures, tho' our Enemies, is not equally evident to us; And yet if others think the Arguments forcible, such have their Liberty.

"We hope there could be no unkind Intention in taking those Words in a literal Construction which were intended in a metaphorical Sense, or in the application of a Text to a purpose it was not adduced, and then drawing Inferences from it; but these are too minute to give the Governor any trouble about, and therefore, to conclude, we beseech the Governor would judge favourably of our Words and actions, and believe that whatever can be reasonably expected from loyal and faithful Subjects to the Crown, Lovers of their Liberties, their Families, and their Country, as far as is agreeable with our religious Persuasions, he may expect from us; but if anything inconsistent with these be required of us, We hold it our Duty to obey God rather than Man.

"Signed by order of the House.

"JOHN KINSEY, Speaker.

"11th Mon., 19, 1739."

A Bill entitled An Act for the better raising of Money on the Inhabitants of the City of Philadelphia for publick Uses, and for repealing a former Act made to like purposes, was read, and ordered a second reading at the next meeting of Council.

At a Council held at Philada., January 23d, 1739.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut. Governor.

Clement Plumsted, Samuel Hasell,
Thomas Laurence, Thomas Griffitts, } Esqrs.
Ralph Assheton,

The Minutes of the 21st instant were read and approved of.

A Petition from the Mayor and Commonalty of the City of Philadelphia to the Governor, to be heard against the Bill for raising Money on the Inhabitants of the said City, was read, and is as follows, Viz^{t}:

"To the Honourable George Thomas, Esqr., Lieutenant Governor of the Province of Pennsylvania, Counties of Newcastle, Kent, and Sussex upon Delaware, in Council.

"The Petition of the Mayor & Commonalty of the City of Philadelphia,

"Humbly Sheweth:

"That the Honourable William Penn, Esqr., late absolute Proprietor & Governor-in-Chief of this Province, by his Charter under his Great Seal dated the twenty-fifth day of October, Anno Domini, 1701, did Erect the Town of Philadelphia into a City, and for the good Government of the same and the better regulation of Trade therein, did grant that the Mayor, Recorder, Alderman, and Common Council in the said Charter nominated, and they which should be afterwards be Mayor, Recorder, Alderman, & Common Council Men within the said City, should be one Body Corporate & Politick in Deed, by the Name of the Mayor & Commonalty of Philadelphia, in the Province of Pensilvania, &c., And by the same Name to have perpetual Succession; and by the said Charter did likewise Grant that the Streets of the said City as then regulated & laid out should be and continue free for the use of the said city & the Inhabitants thereof, who may improve the same for the best Advantage of the said City, & Build Wharfs so far into the River there as the Mayor, Recorder, & Common Council for the time being should see meet, And did also appoint Fairs & Markets to be held within the said City, with full Power to the Mayor of the said City for the time being to appoint a Clerk of the Market, who should have Assize of Bread, Wine, Beer, Wood, & other things; And by the said Charter did appoint the Mayor, Recorder, & Alderman in the said Charter named to be Justices of the Peace & Oyer & Terminer within the said City, And also, that all others who should be Mayor, Recorder, & Alderman for the said city for the time being, should without any further or other Commission be Justices of the Peace, Oyer & Terminer, within the said City

ır, with full power to the said Justices to hold Courts, bind to 'eace, & upon their own View, or after a legal proceedure in of the Courts to be holden within the said City, to cause all ıces and Incroachments in the Streets to be removed, and to h the Parties offending, with many other Priviledges, Rights, ınchises granted to the said City by the Charter aforesaid; In eaceable Enjoyment of which Offices, Rights, Priviledges, & hises, the said Mayor and Commonalty, so far as they have ht fitt to carry the same into Execution, remained undisturbed. or rendering the Annual Assessments to be made from time to for the Use and Service of the said city more agreeable to all nhabitants, A Law was made in the Tenth year of the reign late Queen Anne, for raising Money on the Inhabitants of ity of Philadelphia for the publick Use & Benefit thereof, ich the Inhabitants of the said City are Impowered to Elect ssessors, who are to Join with the City Majistrates to calcu- ıe publick Debts of the said City, & what Sum or Sums of may be needfull to be raised upon Persons & Estates within id City for building, repairing, regulating, or amending any es, Houses, Wharfs, Water-courses, or other Uses for the Pub- ervice & Benefit of the said City, & to agree what Sum or of Money or other Effects shall be apply'd to the Service of rticular Matter or Thing, &c.; And by the same Act power ın to the said Assessors, when so chosen & Qualified as the ct directs, and within six Weeks after such Calculation, to rate, &c., for the Uses in the said Act Contained, as in the ct is mentioned, And to appoint Collectors to demand & the said Tax, & also a Treasurer to whom the said Colle- e required to pay the same, for which the said Assessors & tors are to receive the Sums allowed them by the said Law, e Treasurer to be allowed as much for his Trouble as the Ma- es & Assessors shall think fit.

nd the Mayor & Commonalty further shew, That tho' the Power Magistrates was by the said Act very much limited, Yet the they have always had to preserve Peace and Quiet in the ity, has induced them to remain easie under the Direction of d Law, in the Execution of which the Magistrates have not ıost carefully avoided to Claim or Exercise any undue Power, ıve patiently bore the Neglect of the Assessors & their rors for a long time. But to our great Surprize, a Complaint on foot by some of the last years & present Assessors of the ty, and upon their Representation, a Petition was presented House of Assembly, Setting forth that it was difficult to get gistrates together to Act in Conjunction with the Assessors uently as is necessary, & had occasioned not only Delay of titioners affairs but Loss of their Money, by not having their ts timely adjusted, & their Taxes duly Collected, some of have been several years Collecting & not yet Completed, &

some Ballances have been Long due, whilst many Persons refuse to pay, & yet are out of the reach of the Law, for the Reasons above mentioned; And therefore the Petitioners have humbly pray'd The House of Representatives to grant them the Priviledge of choosing Commissioners to Act with their Assessors, as in the County, with such Power & under such Limitations & Regulations as to the said Assembly in their Wisdom shou'd seem Meet.

"Whereupon the Mayor & Commonalty apply'd to the House of Assembly & desired the Magistrates might have an Opportunity of Acquainting themselves of the Charge exhibited against them, and the Mayor and Commonalty be heard in defence of their just Rights; and the House was pleased to appoint a Time accordingly, when all Parties were heard, as well as the assessors who appeared to Support the Allegations of the Petition, as the Magistrates for themselves and the Corporation in Defence of their Rights.

"And your Petitioners had just grounds to believe that it was most manifest upon the Hearing that no Tax remained uncollected, or any of the Publick Money was lost by their Default. But if any such Loss had happened to the Publick, it was either evidently the Fault or Neglect of the Assessors, their Collectors or Treasurer. At which hearing your Petitioners then insisted, That if the House shou'd Apprehend that any Neglect or Misbehaviour had appeared in the Magistrates, The Corporation ought not for that Reason to be stripped of their Rights & Priviledges, granted them by their Charter, without a Tryal at Law, which is the Birth-right of every Englishman, secured to them by the most Ancient & great Law of Magna Charta. But far contrary to our Expectations, We find that the House of Assembly, in their great Wisdom, have thought fit, by the Bill before your Honour, to Determine to whole, as far as in them lies, without our being legally Convicted of any Offence or Misbehaviour, in Prejudice of the Rights & Priviledges of your Petitioners as a Body Corporate & Politick in many Instances, some of which We humbly beg Leave to Lay before your Honour.

"For that the said Bill takes away the Right of regulating the Streets, Wharfs, Bridges, Docks, Landings, Houses, &c., Granted to them by the Charter by which Philadelphia was erected into a City.

"For that all the Power of raising or being concern'd in the raising of Money for the Benefit & Service of the said City for any Service or upon any Emergency whatsoever, is taken away from the said Corporation & vested in Others.

"For that the whole Right of regulating the Streets, Houses, Wharfs, Docks, Bridges, Landings, &c., is vested in Persons who are no part of the Corporation, and who may, & we have too great reason to Fear from the Spirit that seems at present to prevail among the Assessors who have been chosen of late, may Alter & Change the Regulations already made in pursuance of sundry Good and

wholesome Ordinances made by the Mayor & Commonalty of the said City.

"For that the very Persons to whom the Power of the aforesaid Regulation is given by the present Bill, have no Right to Oblige the carrying on the Pavements, &c., by the Persons who by the Ordinances are Enjoined to do the same; nor have they any Power to punish the Persons neglecting or refusing to Obey the said Ordinances.

"For that the Bill now before your Honour, shou'd the same be past into a Law, will in our humble Opinion not only create great Disquiet & Confusion in carrying on the Regulations of the said City, both in its Buildings, Streets, Wharfs, Landings, & Docks, but may in its Consequences affect the whole Powers of the Corporation, & totally Defeat the good Ends & Purposes for which the said Charter was Granted.

"Your Petitioners, therefore, humbly pray your Honour to take the premisses into your tender Consideration; and if it shall appear that the Bill now before you is in violation of, or affects the Rights & Priviledges of the Mayor & Commonalty, that the same may not be passed into a Law; And that your Petitioners may be heard to the allegations against the Magistrates, upon which it is said the said Bill is founded; And likewise what they have to offer against such parts of the said Bill as Affects the Rights of the Corporation of Philadelphia in such Manner as your Honour shall think fitt.

"And your Petitioners shall ever Pray, &c.

"Sign'd in Council.

EDWARD ROBERTS, Mayor.

"Philadelphia, Jan^{y} 22d, 1739–40."

"Let the Mayor and Commonalty and the Assessors of the City of Philadelphia, or some of these who appeared before the House of Representatives to support the Petition against the Magistrates of Philadelphia, have Notice to attend to-Morrow at ten of the Clock before Noon at the Council Chamber, to be heard upon the Subject Matter of the Petition of the Mayor and Commonalty of Philadelphia presented to me this Day; and let the said Assessors, or some of them, have a Copy of the said Petition if they desire it.

"GEO. THOMAS."

EODEM DIE, P. M.

PRESENT:

The Honourable GEORGE THOMAS, Esq., Lieuten
vernor.

Thomas Laurence, Thomas Griffitts, } Es
Samuel Hassell, }

The Governor laid before the Board a Message he had
to be sent to the Assembly, which being read was approve
sent down by the Secretary, Viz^{t}:

"His Honour the Governor to the Gentlemen of the As

"Gentlemen—

"As I find myself disappointed by your Message of the
stant in my Hopes of engaging you to put the Province in
posture of Defence as may be for His Majesty's Honour & y
Security, I could at this time willingly decline giving you
any further Trouble on that Head; but as that Message
an Acrimony which I little expected from Men of your P
and which should be carefully avoided in all publick Deb
as I am resolved never to fail in the Regard due to the R
tative Body of the People, I think myself obliged, as far
capable of understand^{g} the Reasons urged in it, to enter
Consideration of them; tho' otherwise I might safely lea
has passed between us to the Judgment of every judicious
partial Person, but more particularly to that of His Maj
His Ministers, before whom it is not improbable it must s
laid.

"As there are different Degrees of Understanding in M
from thence it is no uncommon thing for Men to see the sam
in different Lights, I flatter myself it will be as well under
others as myself, That altho' a Country be populous and c
defending itself, the Principles of a Part of the Legislatur
bearing Arms may as well Subject that Country to become
of an Invader, by the Legislature's refusing to oblige the
tants to exert their natural Faculties and to provide th
with the necessary Means of Defence, as if those inhabita
under an absolute Restraint.

"I am obliged to you for the particular Description y
favoured me with of the Situation of this Province; but
look'd into a Map of it you would have seen That the Fre
a very considerable Tract of Country adjoining to it, and t
have an easy Conveyance from their principle Settlements
ffort at Niagara, which is built either within the Bound
Province or upon the Borders of it; and if our Information
as there is not any Reason to doubt it, a considerable Body

in Conjunction with a Body of Indians, made a longer March a few Months ago to attack some Nations of Indians to the Southward than will be necessary to bring them even to this City. I agree with you that there is not any Reason to apprehend that they will attack s by Landing on the other side of the Jersey's. But you seem to ve forgot that tho' the Lower Counties are between you and the a, they are in as defenceless a Condition as yourselves; and that u may be attacked that Way unless you are assured that they eways will be so civil as to be at the Expence of Arming themves for your Defence. The Navigation of your River has been koned difficult; but it is now so well known that near Three ndred Vessels come up from the Sea every Year and return to it in in Safety. I observe the Muster you have made of the Forces the neighboring Governments, and the Hopes you entertain that y will defeat the Designs of an Enemy for you without putting rselves to any Expense; and could I be assured that all the Inbitants, principally for bearing arms, have passed in Review fore you, and that from thence you know they are well armed, and ve good Reason to suppose that a considerable Number of them ve been well disciplined and understood the art of War, and that u are likewise certain that they will punctually perform their ty without any obligation from Law, I should agree with you at any attempt that shall be made upon us will prove dangerous our Enemy. But without these, any Man of the least knowledge affairs of this kind, must apprehend That our Numbers will serve ly to increase our Confusion. It is true that we have not yet any count that War is declared between France and Great Britain, d were there any reasonable Foundation for it, I could hope with u that it never may; But other Provinces have, notwithstanding, ought it proper to prepare against such an Event; and had you d the publick Accounts of the Transactions of the Assemblies of oston, New York, and other Colonies in America, you would have own that their Governors have not met with the same Opposition that their Assemblies have provided for the Defence of those overnments, and that you alone oppose all Preperations as unnecessary.

"I agree with you that good Men may hope for the Protection the Supreme Being, but History, both sacred and prophane, ews us that Goodness has not generally served to protect them om the Rage of Enemies, and the Christian Religion teaches us at much greater Rewards are reserved for the Righteous in the xt World than any temporal Blessings in this.

"If a Burglar acts contrary to the Laws of Christianity and of land in breaking open your Houses, and by those Laws you are stified in putting him to Death; and if a soldier acts contrary to Laws of Christianity (as he does according to your own principles) and the Laws of Nations, in plundering your Houses and

murdering your Families, it will be difficult to shew why you may not as justly put the latter to Death as the former. The Will of the Prince, or the mistake of the Soldier, can have nothing to do in determining the moral Good or Evil of the Action.

"The Number and Worth of such as have already petitioned for putting the Country into a Posture of Defence, is well known; but as the Number of such as have not petitioned, and you say are of the same Sentiments with a Majority of your House, are not known, at least to me, I can make no certain Judgment of this Matter; but as the People generally form a true Judgment of their own Interests when they are unbiassed and left to themselves, I think it more reasonable to conclude that the Majority are of the same Opinion with the Petitioners; Many, however, may be terrified if artfully applied to, with the Expence of a Fort and Militia. Whenever Defence in general shall be agreed to, the former, if thought necessary (tho' positively pronounced by you to be of no use), must be attended with Expence; but your Public Funds will be sufficient to supply that without raising One Shilling upon the People; and the latter will not be attended with any at all to the publick, and but little to each private Man, and much less if they are already Provided with Arms; but if a well-regulated Militia can be proved, any other Way than by your own Assertion, to be of as little use as that which depends upon the Caprice of every Man in it, I shall be against the former, and own that I have, with all others in the World besides yourselves, lived to this time in an error.

"As I am not so well acquainted as you seem to be with what passes in the Neighbouring Colonies, you will excuse my not joining with you in the handsome Compliment you are pleased to pay them and their Governors; and as you have given me reason to hope that they will beat our Enemies for us in case we should be so unfortunate as to be attacked, it would not be consistent with common Policy. The Corruption of the best Things is the worst. Religion itself has been made a Pretence for the most unworthy Actions; and tho' a Militia be absolutely necessary for the Defence of a Country, bad Governors may have abused their Power; but I hope when One shall be thought necessary to be established here, your Foresight of these Inconveniences will guard you against giving any such Powers as may be made an ill use of.

"You seem to expect I should be satisfied with your bare Assertion, That the Payment of Taxes by your Friends in England for carrying on a war is not parallel to the Case under Consideration, but as you have not been pleased to shew the Difference, I must still conclude that there is not any. My Information relating to the Affair of Canada is from the Minutes of Council, where I find That Mr. Gookin, then Lieutenant Governor, After having laid the Queen's Manifest before the Assembly, declaring her Designs against

da, says in his Speech to them, 'That he hopes they will not
: themselves unconcerned, but chearfully enable him to raise
upport the Quota of Men assigned for this Province, or else
they would make an Equivalent.' The Assembly accordingly
ared in a few days a Bill which was passed into An Act for
ng Two Thousand Pounds for the Queen's use, by a tax of five
e half-penny per Pound and Twenty shillings per Head. Was
his by way of Equivalent? And was not it for carrying on
Queen's Designs against Canada? And did not all the Inhabi-
without Distinction pay that Tax? But you say This was
ute, and to shew your Duty, Loyalty, and faithful Obedience
er Majesty; and that as a succeeding Governor misapplied it,
e Assemblies will have no great Encouragement to follow the
nple. But I hope that future Assemblies will so litle Regard
Sentiments as to take all proper Occasion to shew their Duty,
lty, and faithful Obedience to His Majesty and His Illustrious
e. If you design'd this as a Reflection upon Governors in
al, and me in particular, as you must have done (otherwise
was no Occasion to have mentioned Governors at all), as my
uct and the Justice of my Administration defies all Attacks
my Character, The Insinuations will have no weight with
hinking part of Mankind.

ls Actions are the best Evidences of a Man's Thoughts, your
Proprietor's acceptance of a Military Charge, his devolving it
his Lieutenants, and his Commission to a Person to command
t at Newcastle, which I have under his own Hand writing, are
ient Proofs to me of his Opinion; and tho' I have a very high
rd for that Gentleman's Character, render it altogether un-
sary to examine his Writings, if he has wrote on that Subject.

t may not be decent in me to enter into a Dispute about the
r of the Crown; but tho' the Crown may have a Right to
es particularly reserved in the Grants of Lands in England,
such services are reserved in Grants here, the People seem
be under the same Obligations.

because no more than two or three Hundred Men appeared
Arms in the time of a former Governor, and because even
Number may not be persuaded to do it now, as they see no
bility of being serviceable to their Country for want of being
der proper Regulations by Law, does it amount to a Proof
here is not more than two or three Hundred in the Country
tting it into a proper Posture of Defence? If you think it
I believe you alone are so clear-sighted as to see it in that

he Demeanor of the People called Quakers may have merited
otection of the Crown and the esteem of Mankind; and as I
e this is the first Instance of a Number of them having made
Liberty of Conscience for tying up the Hands of His Ma-

jesty's Subjects from defending a valuable Part of His Dominions, situate almost in the Center of those in North America, I heartily wish that it may not be attended with any ill Effects, either on the Minds of our Fellow-Subjects or on the Fortunes of the People of this Province.

"Had I stated the Argument in your next Paragraph, as you have done, I should not indeed have thought the Conclusion very forcible; but as it was stated by me, any thing you have said will not be understood to destroy the Force of it: For I believe it will be still thought as little consistent with Reason to expect we shall be protected from an Enemy without preparing the necessary Means for Defence, as it would be to expect Grain without Sowing, or Fruit without Planting, and so in other Instances. But I am hindered from entering into a more particular Disquisition of this Paragraph, as I have been from inserting many other observations on your last Extraordinary Message, by the Attention I am obliged to give to a very long Bill sent up by your House, which I perceive has raised a considerable Ferment in the Minds of the Inhabitants of this City; yet if I find it necessary, or that it is expected from me, I shall be very willing to devote a much greater Share of my Time to what is so apparently for the Security of the People under my Government.

"GEORGE THOMAS.

"Philad., Jan. 23, 1739.

"By His Honour's Command.

"Thomas Lawrie, Secry."

At a Council held at Philad., January 24th, 1739.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut. Governor.

Clement Plumsted	Samuel Hasell,	Esqrs.
Ralph Assheton,	Thomas Griffitts,	

The Minutes of the 23d instant were read and approved of.

The Bill entitled An Act for the better raising of Money on the Inhabitants of the City of Philadelphia, for public uses, and for repealing a former Act made to like purposes, was ordered to be read a second time; but as the Gentlemen of the Council present, are all Members of the Corporation of the City of Philadelphia, and as the bill is thought to affect the Rights of that Corporation, they chuse rather to refer it to the Governor's own Consideration.

The Assembly sent up this Day, by two of their Members, a Bill entitled An Act imposing a Duty on Persons convicted of heinous Crimes, brought into this Province and not warranted by

of Great Britain, and to prevent poor and impotent Per-
g imported into the Province of Pennsylvania, which was

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ouncil held at Philada, January 25th, 1739.

PRESENT:

onourable GEORGE THOMAS, Esqr., Lieut. Governor.

Plumsted, Thomas Griffitts, } Esqrs.
sheton, }

overnor, after well considering the Bill for better raising
1 the Inhabitants of the City of Philadelphia, &c. laid be-
Board a Message he had prepared, containing Reasons why
not pass the Bill, which being approved of, the Secretary
red to carry it to the Assembly, viz.:

nour, the Governor, to the Gentlemen of the Assembly.

lemen:

1 perusal of the Charter by which Philadelphia was erected
y, and the Mayor and Commonalty created a Body Corpo-
Politick, I observe the Streets are to continue as they were
out and regulated, and that the End of each Street ex-
nto the River Delaware is to be and continue free for the
ervice of the Inhabitants of the said City, &c. who may
he same for the best advantage of the said City, and build
so far out into the River as the Mayor, Alderman, and
Council, &c. shall see meet.

same Mayor and Commonalty have a Power and Capacity
se Lands, &c.

Mayor and Alderman are Justices of the Peace and Oyer
iner; And upon their own View, or after a legal Proce-
may cause all Nusances & Incroachments upon the Streets
noved, and punish the Parties offending as the Law di-

ame Charter grants likewise to the Mayor and Commonalty
build a Prison and Courthouse when they shall see Occa-
authority to make such good and wholesome Ordinances
gnant to the Laws of England and of this Province) as to
ll seem necessary and convenient for the Government of
ity, and the same again to revoke at their Pleasure.

all these they claim as Rights and Franchises to them and
cessors for ever, and say they ought not to be divested of
any of them, otherwise than by a Tryal at Law.

pears that the Mayor and Commonalty have by virtue of
rter made divers Ordinances for regulating the Streets,

Wharfes, Pavements, Buildings, &c. within the said City, and th the same have been carried into Execution, very much to the Co venience of the Inhabitants and others, and to the Reputation the City and Country.

"And by the Bill before me the whole Superintendency or Re ulation of all the Streets, Wharfes, Houses, Landings, Bridge Docks, &c. is put into the hands of Commissionersand Assesson to be elected annually by the People. But by the Bill they hav no Power to make Ordinances, Rules, or Orders for the Governmen and Guidance of themselves, or those who are to succeed them i those Regulations, nor any Power to compel Obedience to suc Rules if made, or any Obligations upon the succeeding Assessor and Commissioners to finish what their Predecessors had begun And whether the Mayor and Commonalty will think fit to continu their Ordinances now in being, when the Power of putting them i Execution is taken out of their hands, and put into the hands o those who may or may not observe them at their Pleasure, is no certainly known.

"Therefore was the Bill in all other Respects free from Objec tions, These Defects would, in my Opinion, render it either wholly Impracticable, or introduce great Confusion both in publick Work of the City and among the Inhabitants.

"But it is clear to me that the Bill takes away from the Mayo and Commonalty of Philadelphia not only the whole Care and Reg ulation of the Streets, Wharfes, Houses, Landings, Bridges, Docks &c. which they claim as their Inheritance for the use of the In habitants of the City, but likewise a large and valuable Landing o One hundred feet wide, on the North side of the Draw-Bridge which by a Deed now before me appears was purchased by the Mayo and Commonalty out of their own Stock, And which they hold fo their own Use as a Body Corporate.

"Therefore I cannot give my assent to this Bill.

"GEORGE THOMAS.

"Philada., January 25th, 1739.

"By His Honour's Command.

"Thomas Lawrie, Secretary."

The Bill intitled an Act imposing a Duty on Persons convicte of henious Crimes, &c. was read Paragraph by Paragraph, an some Observations and Amendments being made thereto, were sen down to the Assembly.

At a Council held at Philada., February 23th, 1739.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Gov-rnor.

amuel Preston,	Ralph Assheton,	Esquires.
nthony Palmer,	Samuel Hasell,	
lement Plumsted,	Thomas Griffitts,	
homas Laurence,		

The Minutes of the two preceeding Councils were read and ap-roved of.

The Governor laid before the Board two Messages he had received om the Assembly since the last meeting; which were ordered to e entered, and are as follows, Viz[t]:

'A Message to the Governor from the House of Representatives.

"May it please the Governor:

"We have so little Delight in Controversy, especially of this nd, that it would have been much more agreeable to us could we ve thought ourselves under no Necessity of giving this additional ouble; Though we cannot but account ourselves very unhappy having the Reasons and Matters in our last Message so misun-rstood that any Acrimony inconsistent with our Principles ould be discovered where none was intended, and where we have od Reason to hope, before whomsoever it may be laid, if duly nsidered, none will be found. But as some Conclusions have en drawn which we are of Opinion are not really deducible from y Words contain'd in that Message, we beg Leave to consider ch of them as we apprehend more immediately relate to the Duty owe to the People we represent.

"It is now near sixty years since this Province was settled under r first Proprietor; and Men of the same religious Perswasions with ose professed by the Majority of this Assembly, have generally en as much concerned in the Magistracy and Assembly as at esent, and no great Inconveniences that we know of have arisen om thence. We are now become a numerous People of different igious Perswasions, many of whom are well armed and principled defend their Possessions against an Enemy, and as such it be-me us to leave all Men to act freely in this respect, as from the states of their own Hearts they should think was consistent with ir Duty to God and themselves; And we cannot apprehend that en they are thus left to their Liberty, the Country will be as ch subject to become the prey of an Invader, let the Principles part of the Legislature be what they may, as when the Inhabi-s are put under an absolute Restraint of providing themselves h necessary Means of Defence. The Discription we gave of the ation of the Province, without any Expectation of having con-

ferred an Obligation on the Governor, was intended to demonstrate the Improbability and Hazard of an Attempt from Canada in case of a War with France; and from any Information we have hitherto gained, we discover no reason to change our Sentiments. Experience confirms this Truth in our Opinion; for other Parts of the Continent have been actually attacked, and suffered Injurys by the French and Indians, which we of this Province have hitherto espaced, And therefore as it cannot be supposed they have a greater Regard for us than our Neighbours, the Difficulty and Danger seem to us to be the Causes which have deterr'd them from it, unless we may be allowed to think Providence in favour to us has diverted their thoughts from such an Enterprise. However, we shall avoid all such Remarks as may lead us into any fruitless Disputes with the Governor, tho' they have arisen and hitherto been carried on much against our Inclination. But that part of our Message which he is pleased to apply to himself, we hope cannot be construed in any Sense disadvantageous to the Governor; and the Misapprehensions seems chiefly to arise from our using the Title of that Gentleman who appropriated to his own use the Money raised in the Time of his Predecessor for the Service of the Queen, which could scarcely be avoided in narrating a plain Matter of Fact pointed out to us to explain; which Fact is undoubtedly true: and we are surprized that our saying 'this wrong application of the Money raised for the Queen's use could be no great Encouragement for future Assembly's to follow the Example,' should be extended to affect our Loyalty and Obedience to the King and his illustrious House. But our steady and unshaken Loyalty to King George and his Predecessors, rightful Kings of Great Britain, and our peaceable Deportment under their Government, have rendred us (as a People) the Objects of the Care and Compassion of our Mother Country. And we who under the Influence and Protection of the present King enjoy at this Distance the Blessings of a free People, are engaged from Principle, Gratitude, and Interest, on all Occasions to demean ourselves as 'becomes loyal Subjects and lovers of our Religion & Liberties.' Such is Our's, and such has always been the Demeanor of the People called Quakers, which, tho' it may not have merited, has enjoyed the Protection of the Crown with the rest of our Fellow Subjects. And as this is not the first Instance of our Assembly's declining (induced as we are by their Principles and the Liberty of Conscience granted to us by our Laws and Charter), to enact any Law which should oblige the Inhabitants of this Province to bear Arms, with agree with the Governor in desiring our Conduct may be attended with no ill Effects, but hope and heartily wish it may have the same good Success as heretofore, both on the Minds and Fortunes of the People of this Province.

"Signed by Order of the House.

"JOHN KINSEY, Speaker.

"Philad., the 26th of the 11th Month, 1739."

To the Governor from the House of Representatives.

May it please the Governor—

The Manner of returning the Bill entitled An Act for the bet- raising of Money on the Inhabitants of Philadelphia, &c^a^ with Reasons the Governor has been pleased to assign for not passing same, we are humbly of Opinion very nearly affects the Rights, ileges, and Freedom of this Assembly. The Governor may, resume, deny his assent to any Bill he may judge improper to without assigning any Reason, altho' this is seldom ever done. whenever the Governor condescends to assign Reasons to the se against such Bill it is to give them an Opportunity, by age or Conference, to remove the Objections so made. That to duce a contrary Practice, and to form any decisive Judgment on Bill on a private Hearing or otherwise, would not only deprive Assembly of the Advantages before mentioned, but has a ten- y to Destroy that Intercourse & Harmony necessary to be pre- d in the several parts of Legislature. We, therefore, earnestly est of the Governor that the Methods heretofore usual may be inued; and that he will be pleased to hear what the House may ble to offer in respect to the first-mentioned Bill, before any ab- te Negative be given to the same.

"Signed by Order of the House.

"JOHN KINSEY, Speaker.

Philada., 11th Mon. 26, 1739."

hen the Governor addressing himself to the Members present, them That as the freedom that had been taken by Israel Pem- on, Jun^r^ with his Character in a Conversation with Mr. Alex- r Graydon, Mr. Emerson, and others, was the publick talk of Town, and, therefore, he supposed they could not be Strangers ; and as he thought it had a Tendency to break the Peace of Government, and to destroy that Confidence and Harmony which ht to be carefully preserved between the Governor and the Peo- he had called them to inform them after the mildest Endeavors l by him in vain to persuade the said Pemberton to make such owledgements as might prevent the before-mentioned Inconve- ces, he now thought himself obliged to make a public Enqury it, and had, therefore, sent for Mr. Alexander Graydon to re- the whole Matter before this Board, who being called in Exprest oncern at being oblig'd to give Publick Evidence of a Conver- n in his own House. But as he thought the Governor's Con- had deserved no such Censure, he would relate as faithfully as Memory would allow him the most material Parts of it viz^t^: after some talk on the Dispute between the Governor and As- ly on the subject of Defence, Israel Pemberton, Jun^r^ did say they knew what the Governor was before he came over, and they had to expect from him. That it was his Design or En-

deavour to overturn the Constitution and reduce this to
Government, and that they would prove it on him. That the
carried on the Debate with the Assembly as if he and Jenl
few more were chatting it over a Table; and that upon his (G
saying, That as probably that Dispute would be laid before
riours, they would best judge of the Governor's Behavio
Matter. Israel Pemberton replied, That he did not doub
Governor would make use of all his Friends to set the As
the Wrong, and that he would make an unjust Representati
Matter. The Governor then desired Mr. Graydon to relate
said Israel Pemberton said to him the next day, which he
lows, viz^{t}: That said Pemberton came to his House and a
some Questions concerning his Report of the Conversation
pass'd betwixt them the day before, and upon his (Gray
pressing some Concern that it was become so publick, the
berton did desire he would not make any Apology about it
he was very glad it had come to the Governor's Knowle
by this means he had heard Truths which the Sycophants
the Governor Company would never tell him, and that
prove that the Governor had said he would bring thing
tremitys. Mr. Graydon then added, That tho' all he had sa
not be the very Words spoken by Pemberton, yet he was p
it was the sense of them.

Mr. Graydon being then desired to withdraw, The Gove
posed That a Warrant should be issued to bring Israel P
before them to Answer to such Matters and Things as were
to him, and having read a Warrant for that purpose, Mr.
did say, That he doubted whether they as a Council coul
issue such Warrant; to which the Governor replied, Tha
well satisfied that they as a Council could not legally issue
rant, but that he believed they would not doubt of the G
Power as Supreme Magistrate of the Province to issue a
to bring such Persons before him for Examination on His
behalf as were charged with Matters tending to a Breac
Peace of the Government. To which Mr. Plumstead repl
if the Matter concerned the Governor's Character only, h
think the Governor a very improper Person to issue such
the Law having Provided a Remedy; but as it might a
Peace of the Government he thought it very proper that
ernor should sign the Warrant that said Pemberton might
lickly examined before the Council; to which none of t
objecting, the Governor signed the Warrant and ordered th
tary to deliver it to the Sherif, with directions to use Mr. P
with Civilty, and not to make use of the Warrant if he
perswaded to attend the Governor and Council at four of th
in the Afternoon without it; and then adjourned till fou
Clock.

EODEM DIE—P. M.

PRESENT:

Honble GEORGE THOMAS, Esqr., Lieut. Governor.

l Preston, Ralph Assheton,
ıy Palmer, Samuel Hasell,
ıt Plumsted, Thomas Griffitts,
s Laurence, } Esqrs.

Council being set, waited a considerable time in Expectation return of the Warrant issued by the Governor this Morning aging Israel Pemberton, Junr. before them, but the Sherif ing, it was observed that Thomas Griffitts, Esqr. was called n the Board, who, returning soon after, took his Seat again, n a writt was sent in by the Sherif to the Governor, signed said Thomas Griffitts, Esquire, which was in the following vizt:

] Pennsylvania ss:

ırge ye Second, by the Grace of God, of Great Britain, France, ıd, King, Defender of ye Faith, &c., To the Sherif of yt City ınty of Philada. Greeting: We Comand you that the Body el Pemberton, Junr. in your Custody as it is sayd, Detained lafe and Secure Conduct, Together with ye Day and Cause Caption and Detention by whatsoever Name ye sd. Israel is d, you have before ye Justices of our Supream Court of ania, at Philada. at our sd. Supream Court, to be held ye Day of April next, to do and receive what our sd. Justices in Supream Court shall then and there Consider in that behalf, 'e you there then this Writt. Witness Jeremiah Langhorn, , at Philada. ye Twenty-fifth day of September, in ye Thir- ear of Our Reign, annog Dom., 1739.

"THOMAS GRIFFITTS."

The Answer of Septimus Robinson, Esquire.

Septimus Robinson, Sheriff of the City and County of Phi- ı Certify to the Justices within named, that the within-named Pemberton, Junr. was taken in my Custody by virtue of a t from the Honble George Thomas, Esqr. Lieut. Governour Province of Pensilvania, By which I was required in his Ma- ıame to take the said Israel Pemberton, Junr. of Philada. nt, And to bring him before the said Lieutent. Governor in , the Twenty-sixth Day of February last past, to answer ıtters and things as should be objected against him on his s's behalf. And I Doe farther Certify, that after the taking aid Israel Pemberton, Junr. he Did Depart out of my Cus- thereupon Did procure the within writt of Habeas Corpus, t thereupon the said Israel Pemberton, Junr. was admitted

to Bail by Thomas Griffitts, Esq^r^ one of the Justices of the Supream Court of Pensilvania, as 'tis said, and therefore I Cannot have the Body of the within-named Israel Pemberton, Jun^r^ at the Day and Place within-mentioned, as by the within writt I am Commanded.

"SEPT. ROBINSON, Sher."

The Writt having been read, the Governor said that he believed it was the first Instance of a Writt of Habeas Corpus being granted to take a Person suspected of Endeavouring to disturb and break the Peace of the Province out of the Hands of an Officer before Examination, and that as to the Form of the Writt and the Methods of proceeding, he thought both illegal in every part, and express'd his Concern that a Magistrate of the Supream Court should suffer himself to be surprized into the signing it without consulting some Person learned in the Law, or even taking Time to exercise his own Understanding or Judgment. However, he said he himself was resolved not to proceed on the Warrant till he had taken Time to consider and advise upon it. Mr. Griffitts then express'd great Impartiality and Concern, and declared that he thought it a Matter of Course, and therefore had signed it as such. The Sherif was then called in, and having declared that he had been with Mr. Pemberton, and let him know that he was ordered to appear before the Governor and Council at four of the Clock, which he refusing, had served the Warrant upon him; That Mr. Pemberton read the Warrant and called it Nonsense; That he, the Sherif, being ordered by the Secretary to behave towards Mr. Pemberton with Civility, had permitted him to go out of his Sight, in the House of John Kinsey, Esq^r^ after his Word given that he would not escape; and that he notwithstanding had escaped. The Governor told the Sherif that as he looked upon the Habeas Corpus to be illegall, the Sherif was answerable for the Escape, and that Israel Pemberton, consequently, was not legally discharged from his Custody. The Council was then adjourned Sine Die.

At a Council held at Philada., February 28th, 1739.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut. Governor.

Anthony Palmer, Samuel Hasell, } Esqrs.
Clement Plumsted, Thomas Griffitts, }

The Minutes of the last preceeding Council being read and approved,

The Governor informed the Board that, having consulted some Gentlemen learned in the Law, on the writt of Habeas Corpus signed by Thomas Griffitts, Esq^r^ at the last Meeting, had found that his Opinion of the Illegality of that writt was well founded, and having

en many reasons for it, informed the Board that he issued another rrant for taking Israel Pemberton and bringing him before him l Council; but that the said Pemberton being gone to Chester, could not be taken this day, therefore adjourned the Council ıe Die.

At a Council held at Philada, February 29th, 1739.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut. Governor.

nuel Preston, Ralph Assheton, } Esqrs.
ment Plumsted, Samuel Hasell, }

The Minutes of the last preceeding Council being read and ap-ved,

The Sherif attending without was called in, and being asked ether he had executed the Warrant against Israel Pemberton, n'r said that he had been frequently at the House of Israel Pem-rton, and that he was denied to be at Home; That he had seen n once walking before his Door, but that so soon as he went to-rds him he went into the House and would not be seen by him.

The Governor then informed the Board that Andrew Hamilton, sqr., had been with him just before the Meeting of the Council, d had told him that the Father of the said Israel Pemberton had en at his House and expressed great uneasiness at his Son's being bliged to keep his House for fear of being taken by the Sherif, to e great Prejudice of his Business, and that he wished the War-nt might for the present be withdrawn.

The Governor observed at the same time that the several Shifts ade by the said Pemberton to avoid appearing before him and ouncil, and his concealing himself for two days past, shew'd such Consciousness of Guilt, and was such a Proof of his not being ble to justifie what he had said, that he was contented to withdraw e Warrant for the Present and proceed against him in some other ay; which not being objected to by the Board, the Governor dered the Sherif to return the Warrant, and then the Council was ljourned until further Summons.

Declaration of Mr. Robinson, Sherif.

Feb. 29th, 1739.

That yesterday about twelve of the Clock he came to Town; his puty gave him a Warrant from the Governor to take Mr. Pem-rton, Jun'r; that he went to Mr. Pemberton's House about one of clock, and had answer that he was not in town; he went again nt three of the Clock, and had answer that he was gone out;

he went this morning about three-quarters of an hour after Eight in the morning, and asked his Clerk or Book Keeper if Mr. Pemberton was at home, who said he was, and went to some other Apartment of the House, as he thought, to see for his Master, but returned and said his Master was in bed; Mr. Robinson went to another Door of the House, and asked Mrs. Pemberton if Mr. Pemberton was within, who said he was in Bed; Mr. Robinson asked what time he would be up, and had answer he would in half an hour; he went towards Mr. Pemberton's House about twelve of the Clock, and in his going down Chesnut street, by John Miller's at the Sign of the City of Dublin; he saw Mr. Pemberton standing on the Platform at his own Door, but when he had got so far as Front street, he saw Mr. Pemberton tack about and go into his House, and since has seen nothing of him.

At a Council held at Philada., March 10th, 1739.

PRESENT:

The Honble GEORGE THOMAS Esqr., Lieut. Governor.

Samuel Preston, Thomas Laurence, } Esqrs.
Clement Plumstead,

The Minutes of the last preceeding Council being read and approved,

The Governor laid before the Board a Notice he had received from Maryland, of a Commission out of the Great and High Court of Chancery in England, signed by three of the Commissioners appointed by the Lord Baltimore, signifying that the said Commission would in part be executed at Annapolis on the Eleventh day of April next, and observing that the Assembly of this Province stood adjourned to the fourteenth of the same Month, and that the Speaker is one of the Commissioners appointed by the Honble Proprietaries of Pennsylvania, and that consequently it would be impossible for him to attend both. The Governor proposed the issuing writts to call the Assembly on the twenty-seventh of this Instant, that they might then either proceed upon Business or adjourn to such further time as they should think fit; which being approved of, a draught of the Writts was read and ordered to be writ over fair for the Governor's signing.

The Governor then laid before the Board a Letter dated the twenty-sixth of January last, which he wrote to Jacob Kollock and Rives Holt, Esqrs., pursuant to An Act of Assembly in the three Lower Counties, to restrain Pilots from going on board Vessells bound up the Bay without Lycense; which was approved of. But it was desired that the Governor would further order those two Gentlemen to give the several Pilots their turn, that no partiality

might be complained of in regard to their preferring particular Pilots, which the Governor promised to do.

The Governor likewise read a Letter he had received from the Governor of Maryland, complaining that a Warrant signed by some Magistrates in Newcastle County had been executed on a Person's Goods in Cecil County, with his answer thereto.

At a Council held at Philada., April 12th, 1740.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieu^{t} Governor.

Samuel Preston,	Ralph Assheton,	Esqrs.
Anthony Palmer,	Samuel Hasell,	
Clement Plumsted,	Thomas Griffitts,	
Thomas Laurence,		

The Minutes of the preceeding Day were read and approved.

The Governor laid before the Board a Letter he had received from His Grace the Duke of Newcastle, dated the twenty-ninth of October, One thousand seven hundred and thirty-nine, as also one of the fifth of January last, a Letter from Col^{o} Spotswood, of the third of April, Instant, and one from the Clerk of His Majesty's Most Honourable Privy Council, of the twenty-sixth of November, One thousand seven hundred and thirty-nine; all which being read,

It was ordered, That a Proclamation, pursuant to His Grace the Duke of Newcastle's Letter, one of His Majesty's Principal Secretaries of State, dated the fifth of January last, be prepared for inviting His Majesty's Subjects in this Government to Inlist in the glorious Expedition now on foot for attacking some of the most considerable Spanish Settlements in the West Indies, and laid before the Board on Monday next, that it may be published immediately after His Majesty's Declaration of War against Spain.

At at Council held at Philada., April 14th, 1740.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut. Governor.

Samuel Preston,	Ralph Assheton,	Esquires.
Anthony Palmer,	Samuel Hasell,	
Clement Plumsted,	Thomas Griffitts,	
Thomas Laurence.		

The Proclamation Ordered to be prepared was laid before the Board, read and approved, and ordered to be wrote over fair for the

Governor's Signing, As was a Copy of some Advertisements to be sent into the several parts of the Province.

"By the Honourable George Thomas, Esqr., Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of New Castle, Kent, and Sussex, on Delaware.

[L. S.] "A PROCLAMATION.

"His Majesty having thought fit to declare War against Spain, and being determined by all possible Means to distress and annoy the Spaniards in the most effectual Manner, and particularly by making an Attempt upon some of their richest Settlements in the West Indies, The King has been pleased for that purpose to order a large Body of Troops, under the Command of my Lord Cathcart, a Major General of His Majesty's Forces, to go from England with a sufficient Convoy of Men-of-War to a proper place in the West Indies, to be appointed for that purpose, there to be joined by the Squadron under the Command of Vice Admiral Vernon, now in the West Indies, and by such a Number of Troops as may be raised in His Majesty's Colonies and Islands in America.

"And as it has been represented to the King that a considerable Number of Men may be easily had, upon proper Encouragement in the British Plantations, and particularly in His Majesty's Colonies on the Continent of America, in Conjunction with the regular Troops to be sent from England, It is His Majesty's Pleasure, signified to me by his Grace the Duke of Newcastle, One of His Majesty's Principal Secretaries of State, That I should forthwith make the proper Dispositions for raising as many Men as I shall be able to procure within my Government; And that his Majesty intends the Troops to be raised in North America shall be commanded by Col. Spotswood, a Vigilant & Experienced Officer: the whole, however, to be, after they shall have joyned the regular Troops, under the Command of my Lord Cathcart, General & Commander-in-Chief of all his Majesty's Troops sent to or raised in America.

"It is likewise His Majesty's Intention to give all proper Encouragement to the New Levies, by ordering them to be supplied with Arms and a proper Cloathing, and to be paid by his Majesty, with an Assurance of their coming in for their Share of any Booty that may be taken from the Enemy, and of their being sent back to their respective Habitations when the Service shall be over, unless any of them shall desire to settle themselves elsewhere.

"His Majesty will order to be sent by Col. Blakeney, who is appointed Adjutant General in this Expedition, a Number of blank Commissions, to be given by me to the Officers in this Government that are to Command the Troops raised here under Col. Spotswood.

"As His Majesty doubts not but the many Injuries & Cruelties which the Inhabitants of the British Plantations have suffered from

the Violence & Depredations of the Spaniards will be an additional Motive to engage all His Majesty's faithfull Subjects here to exert themselves with an uncommon Zeal in this Glorious Undertaking, so I am resolved to use my utmost Care & Diligence in an Affair of this Importance, and for the promoting the Success of a Service in which the Honour of His Majesty's Crown & the Interest of His Subjects are so essentially concerned, especially those residing in this part of America, who will thereby have a Trade open'd for their Produce, & be enrich'd by the most valuable Returns.

"That no Time, therefore, may be lost, I do hereby, pursuant to the Orders signified to me as aforesaid in His Majesty's Name, and with the advice of Council, Earnestly Invite His Majesty's Subjects within my Government chearfully to inlist in this Service, assuring them of all proper Encouragement, of which His Majesty has already been graciously pleased to give ample Instances by appointing an Officer long settled in North America & engaged in Affection to protect their Persons & secure their Interests, to command the Troops raised here, by giving the Governor's Power to appoint such Officers as are Inhabitants or are well Known, by ordering them to be supplied with Arms, Cloathing, & Pay, and by His Royal Assurance of their being sent back to their respective Habitations when the Service shall be over, unless they shall desire to settle themselves elsewhere. And I do further make known, That I will order some Persons in every County in this Government, of which Notice shall be given in the publick Newspapers & other Advertisements, to take the Names of such as shall be willing to inlist, That they may be in a Readiness to repair to the general Rendezvous at Philadelphia so soon as Col. Blakeney, His Majesty's Adjutant General in this Expedition, shall arrive (which is daily expected) with the Money, Cloaths, and Arms, designed for supporting and paying them.

"Given under my Hand and the Great Seal of the Province of Pennsylvania, at Philadelphia, the fourteenth day of April, in the thirteenth year of His Majesty's Reign, and of Our Lord Christ, One thousand seven hundred and forty.

"GEORGE THOMAS.

"By Command—THOMAS LAURIE, Secretary.

"GOD SAVE THE KING."

—

P. M.

The Governor, attended by some of the Members of the Council, The Mayor and Corporation, and a great Number of the Gentlemen of this City, proceeded to the Town House, where His Majesty's Declaration of War against Spain and the Governor's Proclamation

were read to a very numerous Auditory, who expressed their Joy by repeated acclamations of God save the King; some Cannon on Society Hill were discharged on drinking the Loyal Healths, and some Barrels of Beer given to the Populace.

At a Council held at Philada., May 5th, 1740.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut Governor.

Thomas Laurence, Samuel Hasell, } Esqrs.
Ralph Assheton, Thomas Griffitts, }

The Minutes of the two preceeding Councils were read and Approved.

The Governor informed the Board that at the Assembly's last Meeting he had received a Message from them, informing him That they had met pursuant to the Writts issued by the Governor, and desired to know whether he had any thing to lay before them; to which the Governor Answered, That if they intended to sit to do Business, he should prepare what he thought necessary against the next Day, and send it to them; if not, that he would defer it till their next Meeting; and that two of the Members waited on the Governor the next day, and informed him of the Intention of the House to adjourn to the fifth of May next, if that was agreeable to him; to which the Governor agreed.

Two Messages which the Governor had prepared in Answer to the Assembly's in January last, were then read, and are as follows

"His Honour, the Governour, to the Gentlemen of the Assembly.

"Gentlemen:

"As I have transacted Matters of Great Consequence with two preceeding Assemblys without Censure, and as I have since found in my self the same Disposition to do every thing in my Power for the real Interest and Happiness of the Province, I was not a little surprised at your Message of the twenty-sixth of January last, relating to the Bill for the better raising of Money on the Inhabitants of the City of Philad^{a}, &^{c}, but when I reflect on the Circumstances preceeding that Message, and the Hurry in which it was sent, I flatter my self that you, upon a cooler Revisal of it, will acquit me of the Charge contained in it. However, that my actions may appear to others in the same Light I always wish't they might be seen by the Representatives of the People, since they are the result of Motives truly just and impartial, I find myself under a Necessity of showing that the Method taken by me in regard to that Bill is not in the least introductive of any thing new and uncommon, but is exactly conformable to the Practice of former Governors with former Assemblys.

"The Manner of returning the Bill was by my Secretary, as usual, nd if he was deficient in any point of Duty to your House, it was ontrary to my Intentions; but you have not been pleased to name ny such to me.

"I agree with you that a Governor may deny his Assent to any Bill he may judge improper to pass without assigning any Reason; but when a Governor does condescend to assign Reasons, it does not appear to me that the Rights, Priviledges, and Freedom of an Assembly are consequently thereby in any Degree affected, or that this Method hath not been heretofore used. Former Assemblies were, I suppose, as jealous of their Rights and Privileges as the present, and yet if you will examine the Journals of your House, s I have done the Minutes of Council, I believe you will find many nstances of former Governors having given Reasons against Bills t the time they signified their Disapprobation of them, and that it as never before objected to them as a breach of Privilege by any ssembly of this Province.

"In the year 1721, The Governor sent down Reasons against the ill for vesting the Lands and Lotts commonly called the Lands of ee Society of Traders in Pennsylvania, in Trustees, to be sold, &c. ith his Resolution not to pass it.

"The same was done in 1722, against a Bill for raising the Price value of English money and Dollars.

"The same in 1724, against the Bill for regulating and establish- g Fees, &c.

"The same in 1725, against the Bill for distilling of Spirits from olasses, Corn, and Fruit, in this Province.

"The same in 1725, upon an Amendment to a Bill for re-emit- ng and continuing the Currency, &c.

"In the year 1735, The succeeding Governor sent down Reasons gainst a Bill the more effectually to prevent the erecting Wears nd Damms within the River Schuylkill, with his positive Resolu- on not to pass the same into a Law.

"The same was done by myself last year against the Paper-Money ill; and yet a Conference, at the request of the Assembly, was terwards granted, and the Bill with some amendments, was ssed.

"These Instances, with many others too numerous to be inserted re, and the Observations I have had an Opportunity of making the Difference of this Constitution from any other in the King's minions, induced me to follow the Forms usual here, as well in pect to giving Reasons against, as proposing Amendments to ls, which in other Governments is the Business of a different nch of the Legislature before Bills are laid before the Gover- s for their Assent.

"What your House means by forming a decisive Judgment on a Bill on a private hearing, or otherwise, I am at a Loss to understand, unless you call that a private hearing when the Mayor & Commonalty of the City of Philadelphia were publickly heard by me in consequence of their Petition when the Assessors of the City were likewise present upon notice given them, and when as many Gentlemen as my mean dwelling could contain were admitted. But if you mean by a private Hearing, or otherwise, That I am not to hear the Objections of His Majesty's Subjects here by Petition or Council against any Bill sent from your House, It is indeed carrying the Privileges and Freedom of Assemblys an Extraordinary Length, but at the same time renders their Lives and Estates intirely dependent on your Will and Pleasure. I am not such an Enemy to Reason as to shut my Ears against it, nor can I think it really the Intention of your House to abridge me of a Right so beneficial to the People, or to discountenance any from Petitioning to be heard against a Bill by which they think themselves aggrieved.

"It is plain from my Transactions with the last Assembly, that it was not my Intention to Preclude your House either from offering Reasons in writing or in a Conference, in support of the Bill, and you yourselves seem to understand it so, by desiring me To hear what the House may be able to offer before any absolute Negative be given, tho' in a former part of your Message you argue upon a quite different Supposition.

"If your sending a Message to me after an Adjournment, your desiring a Conference when your Adjournment had rendered it impracticable, and the leaving my Reasons against the Bill out of your printed Votes, tho' your own Message concerning them was inserted, be according to the Methods heretofore usual, I confess my Endeavours to acquaint myself with them have been to no Purpose, and I am so far from thinking such Methods of proceeding likely to preserve Harmony between me and the Assembly, that on the contrary, I think they have a direct Tendency (however otherwise they may have been design'd by your House) not only to destroy that, but to raise such Jealousies in the Minds of the people as may be destructive of the Peace and Happiness of the whole Government.

"If your House thinks fit to send an Answer in writing to my Reasons against the Bill, or if you continue to desire a Conference, I shall be ready to receive the one, or willing to grant the other.

"GEORGE THOMAS.

"Philada., May 6th, 1740.

"By his Honour's Command.

"Thomas Lawrie, Secretary.

"His Honour the Governor to the Gentlemen of the Assembly.

"Gentlemen:

"Your last answer to my Messages on the Subject of Defence having been delivered to me with your Resolution immediately to adjourn, I took it for granted that it was designed to prevent my pressing you further on that head; and Considering the Temper you were then in, I think it would have been to little purpose. But as every Account from Europe gives us more and more reason to apprehend a general War, you must excuse me if I still consider you as the Representatives and the Watchman of the whole People of the Province, and not as a particular religious Society, the Providence of God having appointed me, too, at this time over them, and I hope as an Instrument of good to them, and not a Witness only of their Destruction.

"I can not but be thankful that God has at the same time given me a Resolution above being intimidated by all the Calumny that has been thrown out against me by Persons who, under Pretence of Liberty and Love for what they miscal the Constitution of this Country, licentiously traduce their Superiors (a practice most unworthy of the Christian Profession), and do what has a Tendency to destroy that Constitution, and to deliver up this part of His Majesty's Dominions into the hands of his Enemies, and the Enemies of our Religion and Liberties.

"I have acted consistent with my Duty to His Majesty, with the Trust committed to me by your Honble Proprietors, with the safety of the Province and my own Conscience, and if I must be vilified without Doors, and my Support withheld on these accounts by the Assembly beyond the usual time of granting it to former Governors, the satisfaction will remain with me, that in the End it cannot but prove profitable and honourable to me.

"After much said on my part, and nothing done on yours, I cannot conclude this Consideration better than by recommending to your Consideration what the Lord said to one of his Prophets of old.

"'When I bring the Sword upon a Land, if the People of the Land take a Man of their Coasts & set him for their Watchman. If, when he seeth the Sword come upon the Land he blow the Trumpet and warn the People, Then whosoever heareth the sound of the Trumpet and taketh not warning, if the Sword come and take him away, his Blood shall be upon his own Head. He heard the sound of the Trumpet and took not warning, his Blood shall be upon him; but he that taketh warning shall deliver his Soul. But if the Watchman see the Sword come and blow not the Trumpet, and the People be not warned, If the Sword come and take any

Person from among them, he is taken away in his iniquity, but his Blood will I require at the Watchman's hand.'

"GEO. THOMAS.

"Philada., May 6th, 1740.

"By His Honour's Command.

"Thomas Lawrie, Secretary."

At a Council held at Philada., May 10th 1740.

PRESENT:

The Honble GEORGE THOMAS, Esq., Lieut. Governor.

Samuel Preston, Samuel Hasell, Clement Plumsted, Thomas Griffitts, Ralph Assheton, } Esqrs.

The Minutes of the fifth instant were read and Approved.

The Governor laid before the Board two Messages he had received from the Assembly; which were read and are as follows, Viz^t:

"A Message to the Governor from the House of Representatives.

"May it please the Governor:

"The Bill entituled an Act for raising Money on the Inhabitants of the City of Philadelphia, &^c. the Reasons the Governor hath been pleased to assign against its passing into a Law, our Message thereupon, and the Governor's of the sixth Instant on the same Subject, have been under our Consideration, and if upon the coolest Revisal thereof we could have been of the Governor's Opinion that nothing new or uncommon was introduced by the Method taken in Relation to that Bill, we should have declined engaging in the present Controversy.

"The manner of returning that Bill, it is true, was by the Secretary; But that it was as usual we neither did nor do conceive, being accompanied with a Message, wherein the Governor, for the Reason therein set forth, without hearing any part of what we had to say in support of the Bill, was pleased to declare he could not give his Assent to it; a practice we think unusual, and should it obtain, might nearly affect the Rights, Privileges, and Freedom of Assemblys.

"But as the Governor has since been pleased to declare it was not his Intention to preclude us either from offering any Reasons in writing, or in a Conference, in Support of the Bill (which was the purpose of our Message), we decline Particular Observations on the Instances given in the Times of former Governors, none of which, in our Opinion, come up to the Case in Question, unless the

utes of Council vary from the Messages remaining in the se.

'To what End is Freedom of Access to the Governor, on all sonable Occasions, claimed as a Privilege of this House? If Bills to be returned to us with Reasons assigned against their passage, l a direct Negative upon them without giving us any Opportunity being heard, Can it be judged unreasonable for us to claim a ght of being heard in a Case wherein the Governor seems to nk (as we do) it ought to be denyed to no Body who apprehend mselves aggrieved.

"As the Matters transacted between the Governor and Assembly Relation to the passing of Bills may be justly termed Publick, we think the Hearing of other Persons in respect to such Bills y, without any Impropriety, be called private, especially when the same Bills the Representatives of the People have not the portunity of being heard in their own Defence, such we esteemed e Hearing of the Mayor and Corporation to be; and yet it was t the hearing them, or any other, but the not hearing of us before positive Declaration against the Bill, was the Inconvenience we ught to avoid.

"We attribute the Governor's Charge of sending a message after Adjournment, and our desiring a Conference after an Adjournent had rendered it impracticable, to his having been misinformed mistaken, for the Message was sent and the Messengers returned fore our Adjournment; and tho' we did desire the Governor u'd be pleased to hear what we had to offer before any absolute gative was given to the Bill, our Intention was to offer those asons in Writing. But did any words in that Message imply r Desire of having a Conference? We cannot see why it should called impracticable, since it might as well have been in any bsequent Sessions before the Bill was wholly rejected, as in the esent. And the Truth really was, we were desirous of letting e Governor know we were willing to have an Opportunity of ering him our Sentiments in Support of the Bill, alto' not at the ie of sending the Message.

"The Entring of Reasons for or against Bills proposed to be sed, in our Minutes, or the printing of them, is seldom practiced; l therefore our not doing it in the present Case would not be ught extraordinary. We did and do conceive it would not have n reasonable unless we had also printed the Bill objected against, t every one who thought fit might judge of the validity of those ections, which, without being acquainted with the Contents of Bill, would not have been practicable.

"This being the Case, We hope no part of our Conduct can tly be esteemed to have a Tendency to destroy that Harmony ich ought to subsist between the several parts of the Legislature, l which on our parts we are desirous to preserve.

"With this we send our Answer to the Objections against the Bill, which we submit to the Governor's Judgment, in Hopes of their having due Weight.

"By Order of the House,
"JOHN KINSEY, Speaker.

"Philada., the 8th of the 3d Month, 1740."

"A Message to the Governor from the House of Representatives.

"May it please the Governor:

"Our Sentiments in Regard to Defence have been so fully express'd that it would be of no use to repeat them here; nor have we any Desire to revive a Controversy which hath been very disagreeable to us, and in which we think too much hath been said already.

"We are not conscious of the Want of Temper in that or any other Affair transacted by this Assembly (whatever the Governor may be pleased to think to the contrary). Our Actions have been the Result of our Judgments, not of our Passions; and we cannot yet find any Cause to alter our Sentiments, and therefore it will be needless to press us further on this Subject.

"What Calumny hath been thrown upon the Governor, or by whom, he has not been pleased to acquaint us; nor who they are who licentiously traduce their Superiors, and vilify him without Doors. If any Thing of this kind hath been done, it is more properly enquirable by others than by us; and as we are assured no Part of these can relate to this Assembly, or any Member of it, we have nothing to Answer on that Account; and therefore we should have thought our selves more kindly treated if what relates to our Conduct had been considered seperately, and not accumulated with the Faults of others.

"We are unacquainted with any fix'd Rule, either for the Time or Sum to be given for the Support of Government; And therefore we conceive there Could be little grounds for charging us with withholding it beyond the usual Time, and much less that this was done for the Reasons the Governor has thought proper to enumerate. The general Practice has been that the Support and other publick Business went hand in hand, and has been sometimes deferred later in the year than this.

"Experience hath taught us that it is not uncommon for Men to differ in Opinions, or to draw opposite Doctrines from the same Text; and therefore it will seem the less strange that we differ from the Governor in our Sense of the Text recommended to us, which, to our understanding, is not more applicable to the present

Debate than the words of the Lord by the Prophet, wherein he denounces Judgment against the Man who trusteth in Man, and maketh Flesh his Arm.

"By Order of the House,
"J. KINSEY, Speaker.

"The 9th of the third Month, 1740."

"His Honour, the Governor, to the Gentlemen of the Assembly.

"Gentlemen:

"A Charge of so high a Nature as that of introducing a Practice whereby the Rights, Privileges, and Freedom of an Assembly are affected, against a Person who is engaged both by Duty and Promise to preserve them, ought to be so well considered before it is made, and so clearly proved before it is published, that I can not but again express my Surprize at your having done both without the least Foundation; and much more at your persevering in the Charge after the Instances produced by me (besides others to be produced) of the like Practice for near Twenty years past, in the time of former Governors with former Assemblys.

"You are pleased to say that you Decline particular Observations on the Instances given, because none of them, in your Opinion, come up to the Case in Question, unless the Minutes of Council vary from the Messages remaining in your House. As your charge is, that I had introduced a Practice affecting no less than the Rights, Privileges, and Freedom of this Assembly, it might reasonably have been expected that to support it your greatest Strength would have been levell'd at those Instances; But instead of Reason or Proof, rather than ackowledge the Force of them, you satisfy yourselves with a bare Assertion That they do not come up to the case in Question; but will any unbias'd or unprejudic'd Person be determined by an assertion against plain Proofs, or would it be admitted in the lowest Court of Law against the meanest Offender.

"As from hence it may be taken for granted that the Instances produced are a full confutation of your Charge, you think it necessary to have recourse to other Arguments foreign to the Question, and so you enter into the Reason of the thing from the Privilege claimed by the Assembly of access to the Governor, whereas the true question is whether a new Practice was introduced by me or not; and therefore from that I must not suffer myself to be diverted.

"The Distinction in your next Paragraph about a publick and a private Hearing is quite new to me, and after some search into the Journals of Parliament I cannot find that it has any Countenance from them, or that a public Hearing of the Parties petitioning

against a Bill before either House of Lords or Commons was ever called a private Hearing. Had the Representatives of the People been denied a Hearing you would have had just reason to complain; but as that was not the Case, and as this Matter was transacted according to the Forms heretofore used in this Government, the Charge of my having introduced a new Method cannot lye against me. Had you sought only to avoid Inconvenience, a way should have been taken very different from that of exhibiting a Charge to the Publick for a breach of what you call a Privilege, tho' it was never deem'd so by any one preceeding Assembly.

"When Mr. Levis and Mr. Chapman brought the Message from your House on the subject of Defence, they informed me of your Resolution to adjourn; after some Expostulation with them I signified my approbation of it for Reasons then given, and had the Business of the Province called me elsewhere I could have had no Reason, from the known and established Rules, to wait for anything further from you. But after this came your extraordinary Message upon breach of Privileges. Had not that message contained a Charge against me, and you had expressly mentioned a Conference at your next Meeting, no ill impression had been made on the Minds of the People in regard to my Conduct, nor my denying a Conference ever have been suggested. The time of sending it, however, would not have been the less irregular.

"As I have long since revised your printed Votes for many years past, I can affirm that it has been the Practice to insert the Governor's Messages and Reasons against Bills when they have been signed by the Governor, and often when by the Secretary only, without any Order for printing the Bills themselves; and for a Confirmation I refer you to the printed Votes, for Governor Gordon's several Messages containing Reasons against the Flour Bill in 1733, against the Bill for the more easy and speedy recovery of small Debts, against the Paper-Money Bill, against the Bill about Weares and Damms in Schuylkill, for my own Message against the Paper-Money Bill last year, and many others; and as Instances to this Purpose are so numerous, I cannot but wonder that your House should fall into this new Mistake. I have not been able to get the printed Votes during Sr William Keith's Government, but from the constant Usage in the time of his Successor, there is good Reason to conclude the Practice was the same. And it seems to me very unreasonable that the Assembly's Messages in Answer to the Governor's should be printed, without printing those to which they were answers, as it is showing the Governor in a partial and disadvantageous Light to the People, and consequently must have a Tendency to destroy that Harmony between Him and Them which is so necessary for the Good of the Government in general, and should therefore be carefully cherished.

"You cannot be more desirous than I am of preserving a good un

ling in the several parts of the Legislature; but as one half
'ower of making Laws is vested in the Governor for the
ng, you must allow me to exercise my Reason in consider-
Good of the whole Government when any Bills shall be laid
ıe for my assent. The Assembly has Power sufficient, if
ıxercised, to make any People happy; but if once they at-
r any means whatsoever to wrest what belongs to the Gov-
t of his Hands, it will be a breach upon the Constitution,
ıductive of great Discontent and Confusion.
ada."

onour the Governour in Council to the Gentlemen of the Assembly.

tlemen:

rou say it will be needless to press you further to put the
: into a Posture of Defence, I must content myself, let what
ɔen, with having done my Duty both to His Majesty and
ıle under my Government.

I not, nor can I now, think you ignorant of the Calumny
been thrown out against me by Persons without Doors; and
d not expect redress from you, As His Majesty had been
n His Speech to His Parliament to mention the Heats and
ties which with the greatest Industry had been fomented
Kingdom, and his faithful Commons to Answer that they
ıdeavour to compose those unhappy Divisions, I thought it
oper to complain, in hopes that you for the Peace and Good
!ountry would have declared with a Zeal becoming the Rep-
ves of the People that you would endeavor to discounte-
ch Practices for the future.

neither the Sum nor the Time for giving the Governor's
have been absolutely fixed, yet there has been for many
ıt a Rule observed as to both, except where the Governor
ed his Assent to any favorable Bill, or has taken upon him
from the Assembly in other Matters.

ou have said that the Text quoted by you is not applicable
esent Debate, I need only answer that I hope such a Man
be found in a Christian Country who trusteth in Man only
ɜth Flesh his Arm without trusting in God, and that such
: making use of the means God has given them for their
have as reverent thoughts of His Power and Providence
that profess the contrary.
ıda."

overnor likewise laid before the Board some Reasons offered
ssembly in Support of the Bill entitled An Act for raising

Money on the Inhabitants of the City of Philada., &c. which are as follows:

"Reasons offered in Support of the Bill entituled An Act for the better raising of Money on the Inhabitants of the City of Philadelphia, &c. And in Answer to the Objections made against the said Bill.

"The Bill proposed being in the Affirmative, and containing no negative Words in relation to the Charter, will not, if past into An Act, we think, debar the Mayor and Commonalty from the Exercise of any Powers lawful to them before by Virtue of their Charter, particularly

"1. That no part of the Bill if past into an Act would disable the Mayor and Commonalty from purchasing Lands and holding those they have already purchased.

"2. That there is no part thereof which would deprive the Mayor, Recorder, and Alderman, from the Exercise of any Powers they have as Justices of the Peace and Oyer and Terminer, in removing Nusances and punishing the Parties offending or otherwise.

"3. That there is no part of the Bill that takes from the Mayor and Commonalty the Power of regulating Streets and extending them into the River Delaware, erecting of Wharfs, Prisons, Court Houses, or any other Buildings, provided it be done at the Expence of the Corporation. Nor would any part of the Bill, if passed into a Law, debar them from levying Money on the Inhabitants to these purposes, if they were authorized by their Charter so to do; altho' in our Opinion it ought not nor cannot give any such Power for the following Reasons:

"1. The Members of the Corporation were originally named by the Proprietor, and have since chosen their Successors; and as the Inhabitants of the City have not any Right to chuse them, it is not reasonable they should have the Power of levying Money on the Inhabitants without their Consent.

"2. The King himself claims no Power of laying and levying Taxes on his Subjects but by common Consent in Parliament; and as all the Powers of Government in this Province are derived under him, they cannot be greater in this Respect than those from which they are derived.

"3. Of this opinion the Mayor and Commonalty were themselves formerly whatever their present Sentiments may be; for in the tenth year of the Late Queen Ann they petitioned the Assembly, setting forth among other things the Deficiency of their Powers in this Respect, and thereupon an Act was passed enabling them, with assent of Assessors chosen by the People, to lay and levy Taxes when Occasion required. In which Act some Inconveniences have on Experience been found, and for remedying of which the present Bill was proposed.

"4. That wherever a Law grants any thing, it also grants every thing necessary to obtain the End proposed; and, therefore, if this Bill be passed into a Law, we conceive the Commissioners and Assessors will be fully Authorized to do every thing intended them to do by the said Bill

"5. The Bill, if passed into a Law, will give the Inhabitants of the City no greater Privileges than the Inhabitants of every other Part of the Province, except themselves, enjoy.

"6. That if any part of the Bill do take from the Corporation any of their just Rights, or be deficient in respect to the Powers of the Commissioners and Assessors, the Bill may be amended in either of these Respects, to which we shall chearfully agree."

To which the Governor returned the following Reasons against the Bill, &ca. Viz.:

"His Honour the Governour to the Gentlemen of the Assembly.

"Gentlemen:

"As you seem to have the Bill now returned you from me very much at Heart, I have therefore taken some Time to consider the Weight of your Answer to my Reasons formerly sent you for my not agreeing to that Bill. In what I then said I mentioned several of the Powers granted to the Mayor and Commonalty of Philadelphia, which was principally with a View to shew that the Honourable Grantor, by his Charter, intended to make them a considerable Body, as well for the Honour as the Service of the Inhabitants. And that the People might entertain no Jealousy of their being under any undue Influence, he made them entirely independent of himself and his Government forever, which I should think would not render them disagreeable to you.

"But however that may be, I was clearly of Opinion at your last parting, that the Regulation of the Houses, Bridges, Wharfs, Landing-Places, Streets, Water-Courses, &ca. was totally taken out of the Hands of the Corporation, and all the Power left to them by the Bill is, that the Mayor, Recorder, and Alderman, shall wait upon the Commissioners and Assessors, and propose to their Consideration such Regulations as the Mayor, &ca. shall think necessary; which Proposition the Commissioners and Assessors may regard or not, as they please. So there is all the part which the Corporation are to have in the Regulation; and then it must follow, that all Regulations must be at a stand, or else the Commissioners and Assessors (who by the Bill are to raise money, employ Workmen, and pay them), must proceed in the manner they think fitt. And this, I presume, is what you mean in your fourth Reason, where you say, 'That wherever a Law grants any thing, it also grants every thing necessary to obtain the End proposed; and, therefore, if the Bill be passed into a Law, you conceive the Commissioners and Assessors will be fully authorized to do every thing intended them to do by the said Bill.'

"Nor can it be said with any Justice that the Bill does not interfere with the Rights of the Corporation, when its evident none of them have it in their Power to do any one Act in the Regulation before mentioned, except that of proposing what they think necessary; which Proposals the Commissioners and Assessors may regard or not, at their Pleasure. Therefore, as it has been so often said that the Bill never was intended to take away or interfere with any of the Rights of the Corporation, and it now appearing that it unquestionably does, I hope it will be insisted on no more.

"This was all I intended to say at this time, yet lest it might be suggested some of your other Reasons are unanswerable, I will, therefore, take Notice of such as may be supposed to have some Weight in them, and then give you my own Judgment upon the Proceedings of your House, and what appeared to me when the Corporation and Assessors were heard before me.

"You are pleased to introduce your Answer with saying that the Bill being in the Affirmative, and containing no negative Words in Relation to the Charter, will not, you think, if passed into a Law, debar the Mayor and Commonalty from the Exercise of any Powers lawful to them before by Virtue of their Charter. This, I presume, may be a point of Law, and may be true where the affirmative Words do not imply a Negative. For suppose in the Bill you had provided that the Mayor of Philadelphia should henceforward be annually elected by the Inhabitants, or appointed by the Governor, and being so elected or appointed shall have all the Powers, &c. that any Mayor of the City of Philadelphia ever had. Now, this Provision is in the Affirmative, and here are no Negative Words, and yet can it be believed after the passing of such a Law, that a Mayor chosen in the usual Manner by the Corporation would be a lawful Mayor? Or suppose the Corporation should choose one Mayor and the People another, can such a Controversy be determined without a Judgment at Law? And what confusion must ensue upon such a Law, and such a Construction of that Law as you contend for, is too obvious to be particularly mentioned. The Law not my Profession, but I have read that it is a Rule in the Books that Leges posteriores priores contrarias abrogant, and I think it very just one, if applied to the Bill now under Consideration.

"I take Notice that by your Minutes it appears this Bill was ordered to be brought in upon a Petition preferred to your House complaining of some Neglect in the City Magistrates. It appears likewise, that upon the Application of the Mayor and Commonalty of Philadelphia, they and the present Assessors, with some others of the Petitioners, were heard before your House; but it no where appears that the Petitioners had made good their Charge, or that the Magistrates were in any Fault, and as the House had come to no Resolve of that Kind, it was reasonable to suppose that in a parliamentary way the Bill would have stopped there. Upon your

sending the Bill to me, I received a Petition from the Mayor and Commonalty, requesting to be heard against the Bill, and thereupon I ordered a Copy of the Petition to be given to the Assessors, with Notice of the time of Hearing, and they were heard accordingly; when the Facts appeared thus, as I find by the Minutes I then took:

The Assessors complained that they had frequently sent to the Magistrates to meet them to settle the City accounts, which they had not done, and that by Reason thereof some of the publick Money was lost. The Majistrates said, that they had sometimes met the Assessors, but at other Times had not, yet the Law did not require their Attendance at any of those Times, and that their presence was not in any wise necessary to the Settlement of the Assessors' Accounts; and said further, that the only time required by Law for them to meet the Assessors was on some day in April, in order to calculate the publick Debts, &c., that it might be known whether any Money was wanting for the Service of the City; and again, on the 25th of March, &c., they said the Treasurer was to lay his Accounts before the Majistrates and Assessors, who are to allow him what they think fitt to allow him for his Trouble, so that as the Accounts between the Assessors, their Collector and Treasurer, can well be settled without the Presence of the Majistrates, who are not by Law required to attend them; if any Money was lost, it was entirely the Fault of the Assessors. It was further said by the Assessors, that one of their Collectors had applied to the Recorder for a Warrant of Distress, which he refused at that time, and they judged that occasioned the Loss of some publick Money; To which it was answered that a Collector, who is now dead, insolvent, did apply for a General Warrant of Distress, tho' he had levied a great part of the Tax before; that the Recorder, knowing the ill use which had been made of such Warrants, desired the Collector to draw out a list of the Delinquents, and such a List as he could affirm to, that he had demanded the Tax of the respective Persons contained in the List, and that they had neglected or refused to pay, and then he would grant him a Warrant to distrain, and not before; That the Collector did so, and had a Warrant accordingly; but it being several years ago, the Recorder said he could not tell how long it was between the Time the Collector first applied and the second, but he thinks it was not long, nor does he think himself concerned about the Time, because he is sure as soon as the Collector brought the List of Delinquents he had a warrant to Distrain.

"It was said and agreed to on both Sides, that the City Treasurer had waited on the Justices on the 25th of March then last past, when they were in Court doing Business, and that the Treasurer said to one of the Justices, that that was the day he was to lay his Accounts before the Majistrates and Assessors, but believed no

other Majistrate heard him, and that the Majistrate answered he knew nothing of it, or some such Words, and that two of the Assessors were in the Court House or in the Balcony, but said Nothing.

"To this it was replied by the Magistrates, That unless it were the Magistrate to whom the Treasurer spoke, none heard or knew any thing of the Matter, and that it was the Treasurer's Duty to lay his accounts before the Majistrates publickly as the Law directed, and not to speak to a single Majistrate; And if the Assessors, or any of them, were present, they did not appear as Assessors, nor offer themselves to join the Majistrates in settling the Treasurer's Accounts.

"It was said further, that for many years the City Treasurer had never laid his Accounts before the Magistrates, nor had the Assessors ever attended at the Day, as by Law they are enjoined, but had proceeded from Time to Time to allow their Treasurer what they thought fitt for his Service, without the Concurrence or Knowledge of the Majistrates, which was not denyed by the Assessors, who, on that Occasion, behaved with great Moderation and Civility; and as the Majistrates appeared to be in no Fault, and that the Charge against them for Non-Attendance arose upon a Misunderstanding of the Act of Assembly, and such a Moderation appearing on all sides, I was in hopes the Bill would have been prosecuted no further. But I find I am mistaken, for tho' the Bill concerns no Part of the Province but the City of Philadelphia only, it seems to have ingrossed the principal Attention of the Assembly ever since it first came into the House.

"And that I may acquit myself fully for differing in Opinion from your Assembly, I will conclude, by adding my own Thoughts upon the present Law for raising Money on the Inhabitants of the City of Philadelphia, as it now stands:

"By that Law it appears that the Magistrates have no Power to raise one Penny of Money upon the Inhabitants of the City of Philadelphia, but in Conjunction with the Assessors to be annually chosen by the Inhabitants of Philadelphia, who are to calculate the publick Debts of this City, and what Sum or Sums of Money may be needfull for the Purposes mentioned in the Act, and to what Uses to be applied, all which is to be entred in a Book, And then the whole Trust of laying the Tax or Assessment, appointing Persons to collect the Money, and a Treasurer to receive it, is vested in the Assessors solely. And what remains for the Magistrates to do is only to draw an Order for paying the Workmen such Money as was agreed upon by the Majistrates and Assessors, to be applied to each particular Use or Service; So that it's most evident, the Majistrates can lay no Tax, nor apply one penny of the Money raised to their own Use, nor to any other Use except the Uses agreed to by the Assessors, which, in my Opinion, puts the Inhabitants of Phil-

delphia absolutely out of the Power of the City Magistrates, either as to raising Money or in applying it without the Concurrence of the Persons chosen and elected by the City to represent them in the Execution of that Law.

"Let me add to this, that I think it will not be denied that the Mayor and Commonalty are, for their Circumstances, Abilities, and Interest, equal at least to any like Number of Men in the City of Philadelphia or Province of Pennsylvania, and whose Estates must contribute largely towards any Tax which can be raised upon the Inhabitants of this City, which, in my Opinion, is a good Security to the People against all unreasonable and unnecessary Impositions and Assessments."

At a Council held at Philada., May 19th, 1740.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut. Governor.

Samuel Preston, Samuel Hasell, Ralph Assheton, Thomas Griffitts, } Esqrs.

The Minutes of the 10th Instant were read and approved of.

A Letter from some of the Inhabitants of the Menesincks to the Governor was read, setting forth that one Henry Webb had been cruelly wounded on the 13th Instant by an Indian Man named Awannemeak, and that if he was not demanded and delivered up to be punished, they should be obliged to defend themselves, and that as there was no Surgeon in that part of the Country, they had sent the said Webb down to Philada. The Governor then informed the Board that he had directed Doctor Thomas Grœme to provide a Lodging and a Nurse for Him, and to attend him, in order, if possible, to cure his Wounds, which were reported by Doctor Grœme to be very dangerous, and that if they could be cured it is not probable that he ever will be able to gain a subsistence by his Labour. The Governor likewise proposed that a Letter should be wrote to the King or Chiefs of the Nation of Indians to which Awannemeak is Subject, to demand Satisfaction for his barbarous Actions, which being approved of, it was left to the Governor to prepare such Letter, and to send it by —— Scull, with all convenient Speed. Samuel Preston, Esqr., Provincial Treasurer, was likewise desired to make the necessary Provisions for the said Henry Webb during the time of his Cure.

The Governor laid before the Board a Message he had received from the Assembly of the 14th Instant, with their Reply to his Answers to the Reasons offered by the Assembly in support of the

other Majistrate heard him, and that the Majistrate answ
knew nothing of it, or some such Words, and that two of
sessors were in the Court House or in the Balcony,
Nothing.

"To this it was replied by the Magistrates, That u
the Magistrate to whom the Treasurer spoke, none h
any thing of the Matter, and that it was the Treasurer'
his accounts before the Majistrates publickly as the
and not to speak to a single Majistrate; And if th
any of them, were present, they did not appear as
offer themselves to join the Majistrates in settling
Accounts.

"It was said further, that for many years the
never laid his Accounts before the Magistrates,
sors ever attended at the Day, as by Law they
proceeded from Time to Time to allow their
thought fitt for his Service, without the Concu
of the Majistrates, which was not denyed b
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as the Majistrates appeared to be in no Fau
against them for Non-Attendance arose upo
the Act of Assembly, and such a Moderatio
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the principal Attention of the Assembl
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from your Assembly, I will conclude, b
upon the present Law for raising Mon
City of Philadelphia, as it now stands

"By that Law it appears that th
to raise one Penny of Money upon
Philadelphia, but in Conjunction wi
chosen by the Inhabitants of Phila
publick Debts of this City, and wh
be needfull for the Purposes men
Uses to be applied, all which is to
the whole Trust of laying the Tax
sons to collect the Money, and a
the Assessors solely. And what
is only to draw an Order for payi
was agreed upon by the Majistra
each particular Use or Service; S
trates can lay no Tax, nor apply
their own Use, nor to any other
the Assessors, which, in my Opin

be nothing new or uncommon in them—nothing but what
ble to antient Practices on like Occasions—there is more
d in Defence thereof than We have hitherto admitted; But
this is to be supported by the Instances to which we are
(since it seems to have been expected of us) we are next
er.

first is in the Year 1721. A bill was proposed to the Gov-
the Time being, for vesting the Society Lands in Trustees,
so much of his answer as is pertinent to the present
is, viz^{t}:

it he could not in Duty and Conscience give his assent to
Law before the several Evidences, Facts, and Circum-
pon which the Equity and Justice of this Bill must depend
fairly made out and laid before him.'

which we observe that it is so far from being a direct Denial
ill, without giving the Assembly an Opportunity of being
it, that it clearly implies an Inclination in the Governor to
assent to the Bill on the Terms proposed, viz^{t}: Proofs of
on which the Justice of the Bill depended being first laid
m.

second Instance we are referred to is in the year 1722.
as then proposed for the Governor's Assent 'For ascertain-
Rates of particular Species of Coin, &^{ca}' To which Bill
ie Governor and Council made some Observations, but no
on is made by the Governor whether he would or would
his Assent to it, and therefore has no Relation to the
Debate.

third Instance is in the year 1724. A Bill was proposed
vernor for regulating and establishing Fees, &^{ca} To which
merating his Reasons he concludes as follows, viz^{t}:

t he cannot pass it in the Terms it is now conceived, and
proposes it may be delayed until the next Assembly.'

was so far from being a direct denial of the Bill, without
he Assembly, it is obvious that the Governor discovers an
n to pass it if properly amended, and to this End pro-
further Consideration thereof at the next Assembly.

fourth Instance is in the year 1725. A Bill was proposed
sed for the distilling of Spirits, &^{ca} The Governor and
after enumerating several Reasons against the Bill, con-

refore the Governor and Council do altogether disapprove
ill, &^{ca}'

we acknowledge comes the nearest to the method the Gover-
ased to take with us, and yet does not, in our opinion,
y up to it—It being no direct Denial of the Bill, but left

Room for further application; and if the Governor's own Experience does not furnish him with an Instance of giving his assent to a Law which he altogether disapproved of, We think many might be given in the Times of those who preceeded him; besides, being a single Instance, it will not prove it a Practice, nor make such Denials usual.

"The Fifth Instance is also in the year 1725. A Bill was proposed for Re-emitting the Paper Currency. On its being presented to the Governor for his Assent, he proposed an Amendment to one of the Clauses in that Bill. The Assembly disagreed to the Amendment, on which the Governor peremptorily refuses on any Terms to admit of the said Clause, that is, as we take it, the Clause in the Bill to which this Amendment was proposed.

"This we can by no means admit to come up to the Point in Question; for when the Assembly disagreed to the Governor's Amendment, they had an Opportunity of offering the Reasons of such their Disagreement. And the Governor's Power of insisting on any Amendment proposed by himself, where he shall think it just, is what we never contended against.

"The sixth Instance is in the year 1735, relating to a Bill proposed for the more effectual preventing of Wears and Damms, &c. In which, after divers Messages had past for and against the Bill, the Governor (for Reasons which he there gave) desires,

"'He may not be further pressed in Relation to that Bill.'

"But this being after the House had an Opportunity of saying all they thought fit for the Bill, can be no Proof of the Practice we contend against, nor does it contain any direct Negative to the Bill.

"The last Instance is in the year 1739, In the Governor's own time, which also falls short of the Proof of the Point to which it was adduced—It in effect only insisting upon some Amendments to the Bill, gave the Assembly the opportunity of being heard, and did not contain an absolute Negative to the Bill proposed.

"We have now examined all the Instances pointed out to us, and have no Reasons to change our Sentiments concerning them. We have not taken this Pains for the sake of Victory, or to heighten the Misunderstanding which hath subsisted on the Occasion. We are desirous of the contrary. And as we looked upon a Principal Point, viz', the being heard in support of our Bill, to be gained, we should not have chosen to be thus particular had we not thought it necessary to acquit ourselves from the Imputation of having exhibited A Charge of a high Nature against the Governor, without the least Foundation; whether we have been so happy as to have effected this to the Governor's Satisfaction we must submit to his Consideration.

"On what has passed in relation to the printing of Messages, with the Reasons for or against Bills in our Minutes, the Governor does not disagree with us (if we rightly understand him); we have ad-

itted it is sometimes done, and the Governor by affirming it is ractised we presume does not mean is always Practised, because hat would be an evident Mistake, and to distinguish between such Objections to Bills sign'd by the Governor and those signed by the Secretary, or those unsign'd by either, is not supported by any Reason, nor that we know of considered as a Rule for or against printing. The truth as we conceive really is, the doing of it or not doing of it is discretionary, and therefore the Governor must excuse us if we yet think it would not have been reasonable in respect to his Objections against the Bill now under consideration, unless we had also printed the Bill. Because those Objections contain a Charge that it was clear to the Governor the Bill now under Consideration would take from the Mayor and Commonalty (besides other things) a Lot of Land belonging to them, which appears as clearly to our understanding without Foundation, and that no part of the Bill, if rightly considered, can give the least Colour for such Objections.

"We are unwilling to swell our Answer beyond what the necessity of the Occasion requires, and therefore we hope the Governor will Excuse our not being particular in Relation to some other Parts of the last Message.

"By Order of the House,

"J. KINSEY, Speaker.

"Philada., the 14th of the 8d month, 1740."

A Reply to the Governor's Answer to the Reasons offered by the Assembly in Support of the Bill entituled "An Act for the better raising Money on the Inhabitants of the City of Philadelphia, &c."

"First, we observe, That tho' it is true the Honble Grantor's making the Mayor and Commonalty independent of himself and his Governors may be a good Cause to prevent the People's entertaining Jealousies of their being under any undue Influence from thence, yet their being a distinct independent Body from the other Inhabitants of the City, does not seem to be a good Reason why they should be more agreeable to us, or indeed to any Body, unless it be so to themselves.

"2. If the Mayor and Commonalty has no Power by their Charter to Tax the Inhabitants towards building Houses, Bridges, Wharfs, &c. without their Consent, as the Governor seems to admitt, it follows that when the Law vests the Power of Taxing the People and disposing of the Money in other Hands, it does not deprive them of any Power they are entituled to by their Charter, but it is only an Alteration of a former Law, by which the Mayor, Recorder, and Alderman, had some power vested in them in Connection with the Assessors, to which the Common Council Men were no Parties. And it appears clear to us, that the Mayor, Recorder, and Alderman, are of themselves no Body Corporate, nor can

they do any one corporate Act independent of the Common Council, and of consequence that the present Bill does not infringe any Rights the Mayor and Commonalty have by virtue of their Charter, tho' it does lessen the Power given the Mayor and Alderman by the former Law; and if any publick Convenience is found in such an Alteration, have not the Legislature the same Right in respect to that Act as to any other.

"It is objected that the Power the Mayor, Recorder, and Alderman, have left them by the Bill, is to wait upon the Commissioners and Assessors and propose Regulations, &c. which they may or may not regard as they please. But is not that pretty much the Case in respect to the City Law now in being? Is it not much like the County Levy Act in that Case? and what Inconveniences have arisen from thence? If the Deficiency be in point of Ceremony only the Bill may be amended—the Commissioners & Assessors may wait upon the Mayor, Recorder, and Alderman, instead of being waited upon.

"In our Answer to the Governor's Objections to the Bill we observed that when the Law grants any Thing it also grants the Means necessary to obtain the End. We presume it will not be controverted but that the Rule is good, and was offered by us in support of Powers intended to be bestowed by the Bill on the Commissioners, wherein the Governor supposed it to be deficient. But how this comes to be applyed to the Raising of Money by the Commissioners and Assessors without the City Majistrates (which the Bill never intended), is what we must leave the Governor to determine.

"3. It seems to be allowed that the Bill proposed being in the Affirmative, it will not debar the Mayor and Commonalty of any Rights they might lawfully exercise before; unless the Affirmative words imply (as we conceive they do not) a Negative. The Case put in relation to the Election of a Mayor we conceive is not a parallel Case, because as there can be but one Mayor, if an Act had vested the Election in the Inhabitants it must consequently imply a Negative to any other Method of Choosing. But were the Law to authorize the Inhabitants the chuse three Citizens, who when elected should have the same Power as the Alderman, it would not imply a Negative, but the Aldermen and the Persons elected by virtue of the Act would thereby have like Powers. And this Case we conceive nearer a Parallel than the former. The Mayor and Commonalty when they build or regulate at their own Expence may do it by their Charter; but when it is to be done by a Tax on the Inhabitants, the Law we suppose may place it in other Hands without any Confusion or Irregularity.

"4. That the Mayor and Commonalty were heard before us is true; but why it should be supposed this Bill, in a Parliamentary way, ought to have stopped (altho' no Charge had been made good

against them), when it appeared to us to need an Amendment, wants further Explanation to render clear to us.

"5. Admitting the Facts to be true as stated in the Narration the Governor is pleased to give us of what appeared before him, we think it evident there was a Neglect somewhere in not settling the public Accounts; therefore, if an easier Method can be found out for the settling of those Accounts (which is one of the Amendments proposed by the Bill), what Inconvenience can attend the Enacting of it? That this Bill has engrossed our principal attention we think is a Mistake; altho' if it had been so the Service of the Inhabitants of the City of Philadelphia (being so considerable a Part of the Province) would have been a sufficient Inducement to that purpose had the Affair required it. And if the hopes the Governor conceived of this Bill being prosecuted no further, arose on any Satisfaction the Parties were supposed to have received from him, the contrary is evident to us who have had a Petition from a great Number of the Inhabitants since our present Meeting (of which Number the Assessors and some of the Common Council are a Part), desiring our further Application in order to obtain a Passage for the Bill.

"On the whole, if there be any Parts of the Bill which may be supposed to affect the just Rights of the Corporation, or not to give so much power to the Mayor and Commonalty, consistent with the good of the Inhabitants, as may be necessary, those Parts may be amended, without wholly destroying a Bill which great Numbers of the Citizens seem so desirous to obtain.

"We, therefore, entreat the Governor will be pleased to review and reconsider the Bill, with what has been offered in Support of it, and to give us his Determination at our next meeting."

The Governor likewise laid before the Board a Message of the 15th Instant, which he sent to the Assembly, relating to the Bill intitled An Act, &c., which was read, and is as follows, viz^{t}:

"His Honour, the Governor, to the Gentlemen of the Assembly:

"Gentlemen:

"When I first sent down the Bill now returned you, I then gave you my Reasons why I could not pass it into a Law. That Method I then took as the most likely to satisfie your House that I did not refuse my Assent to the Bill without having Reasons which were at least sufficient, in my own judgment, for my Refusal. But by your Opinion, it seems, I was mistaken. Therefore, That I may not again disoblige you, nor occassion a further Expence to the Country by spending more time in fruitless Messages upon the Subject Matter of that Bill, I will upon this Occasion observe the Rule you were pleased to lay down for me in your Message at your

last adjournment, and, without assigning any Reasons for my Refusal, say, That I do reject this Bill.

"GEO. THOMAS.

"Philada., May 15th, 1740.

"By His Honour's Command.

"Thomas Lawrie, Secretary."

At a Council held at Philada., May 30th, 1740.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieutenant Governor.

Clement Plumsted, Samuel Hasell, Thomas Laurence, Thomas Griffitts, Ralph Assheton, } Esqrs.

The Minutes of the 19th instant were read and approved.

The Governor laid before the Board a Letter he had wrote and sent by Nicholas Scull to the King or Chiefs of the Indians to whom Awannemeak is Subject, which being read was approved of, and is as follows, viz^{t}:

"May 20th, 1740.

"Friends and Brethren:

"Some of the Inhabitants of the Menesincks inform'd me two days agoe, in a Letter signed by them, that one Henry Webb was barbarously wounded in the Face and Head on the 13th of this Month, so that his Life is in great Danger, by a young Indian Man named Awannemeak, without any Provocation or hurt offered to the said young Indian Man, and they have sent him down from thence in a Canoe to Philad^{a} for want of a Surgeon in those Parts to cure him. He is now here, and is under the Care of one who has represented to me that one of his wounds is very deep, and that if he does live he will be utterly disabled from doing any thing to support himself for the time to come.

"I am very much concerned for the Wickedness of this young Indian Man; and, therefore, I say to you, That you are fully sensible that by the many past Treaties between you and us it is in the firmest manner established and agreed that we should all be as one People; that wrongs done by any of either side should be redressed, and the Offenders punished without any Distinction, and you well know when any of our people have taken the life of an Indian the guilty Persons have been put to Death for it, as if the Injury had been done to one of ourselves, without any Difference; therefore, when any of yours are guilty of any such Crime, we do expect they shall in like manner be punished for it. And in a

Cases of this Nature, we consider the guilty Person only. If he be a Christian, no other Christian or White Man is put to any trouble, and in the same manner if he be an Indian, we do not account any other Indian answerable for it but the guilty only, and he alone is to be punished; Only this is to be remembered, that if any of our People commit a Crime and fly for it, our Officers and People search after them and must find them; And so we expect when any of yours commit a Crime, your People shall undertake to find them & cause them to be kept in Prison till they can be prosecuted and punished; but if the Offence be no Murther or some such grievous Crime, a lesser punishment is inflicted on their Bodies, or sometimes they are fined in a Sum of Money to make Satisfaction for their Offence.

"Now I do expect that you cause the young Indian Man, Awannemeak, to be immediately apprehended and delivered up, that he may be punished in case Henry Webb should die of the wounds he received from him, and in case that he should recover (which I heartily wish he may), that he may be obliged to make him Satisfaction, besides paying all the Charges of his Cure and of nursing and keeping, and if he is not able of himself to do this, his Friends should help him and do it for him, till by his own Diligence in Hunting he can make Satisfaction to make.

"And on this occasion I desire you to caution all your young Men not to come amongst our People with any dangerous Weapons, that all further Mischief may be avoided, for we must all live friendly and peaceably together. We are to take care that none of our People shall hurt yours, and you must take the like Care that none of yours be disorderly and hurt any, either white Men or Indians; and as I cannot doubt but in this and all other Cases you will shew yourselves true and good Men by faithfully performing what you have repeatedly engaged by your Treaties with us, I desire that you who are innocent may not be under any fear or apprehension, and that you will rest satisfied that I am

"Your true Friend and Brother.

"To the King or Chiefs of the Nation of Indians to whom Awannemeak is Subject."

At a Council held at Philada., June 26th, 1740.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut. Governor..

Anthony Palmer,	Ralph Assheton,	Esqrs.
Clement Plumsted,	Samuel Hasell,	
Thomas Laurence,	Thomas Griffitts,	

The Minutes of the 30th of May last were read and approved.

The Governor laid before the Board a Letter from his Grace the

Duke of Newcastle, of the fifth of April last, which was read, as also His Majesty's Instructions relating to the raising of Forces in this Province, of the second of April last, &ca; and a Proclamation was ordered to be made out accordingly.

Ordered, That Writs be made out to Summon the Representatives of this Province to meet the Governor in Assembly on Wednesday the Second of July next.

Governor Clarke's Letter, giving Information of the Apprehending of Robert Jenkins the Counterfeiter of the Paper-Money of the Lower Counties, was likewise read.

At a Council held at Philada., July 2d, 1740.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut. Governor.

Samuel Preston,	Thomas Laurence,	} Esqrs.
Anthony Palmer,	Samuel Hasell,	
Clement Plumsted,	Thomas Griffitts,	

The Governor laid before the Board a Speech he had prepared to be spoken to the Assembly this Evening; which being read and approved, As also the Draught of a Proclamation pursuant to the King's Instruction.

EODEM DIE, P. M.

PRESENT:

The Honble GEORGE THOMAS Esqr., Lieut. Governor.

Thomas Laurence,	Samuel Hasell,	} Esqrs.
Ralph Assheton,	Thomas Griffitts,	

Two Members of the Assembly having waited on the Governor and informed him that their House was met in Obedience to Writts issued by his Honour, The Governor acquainted them that he had something to communicate to the House that Evening which immediately concerned His Majesty's Service; accordingly the whole House waited on the Governor, who made the following Speech, &ca, a Copy of which was delivered to the Speaker with the following Extracts of His Majesty's Instructions, and his Grace the Duke of Newcastle's Letter:

"Mr. Speaker and Gentlemen of the Assembly.

"Gentlemen:

"I have called you together by His Majesty's Command, under his Royal Sign Manual, to lay before you such parts of His Majesty's Instructions as particularly concern you, as the Assembly of

s Province; And it is to be hoped you will pay the Regard to
m which becomes dutiful Subjects to His Majesty, who hath
ered into a War, not to gratifie any Ambitious Views or Designs,
t at the desire of His Parliament, to vindicate the Honour of
s Imperial Crown, to revenge the Injurys done to His Subjects
an insolent and barbarous Nation, and to assert their undoubted
ghts of Commerce and Navigation. And that Parliament have
t only given His Majesty the strongest Assurances That they
ll sustain, with Satisfaction and Chearfulness, any extraordinary
pences and Inconveniences that must inevitably attend the va-
us and extensive Services which His Majesty shall find necessary
procuring Justice to an injured and provoked Nation, But have
ually laid a Tax over and above the many former Taxes of four
illings in the Pound, upon all the Landed Estates in Great Britain;
ich (however grievous it may possibly appear to you who live
e from Taxes) is paid with Chearfulness by His Majesty's Sub-
ts there, as it is necessary to forward and give Spirit to His
jesty's Preperations.

"His Majesty expects no more of you, tho' your Interests are
much at Stake as any of His British Subjects, 'than a Provision
Victuals, Transports, and all other necessarys for the Troops to
raised in this Province till their Arrival at the general Rendez-
s in the West Indies, His Majesty having promised to furnish
m with Cloaths, Tents, Arms, Ammunition, and Pay from the
y of their Inlisting'. And as this may be complyed with with-
raising one shilling on the People, since you have five or six
usand Pounds Interest Money, and near four thousand Pounds
Ann., arising from the last Paper-Money Act (the Money raised
the Excise Law being sufficient for defraying the annual Charges
he Government), I hope you will not, for your own Sakes, even
itate upon it, but immediately grant what shall be necessary,
the Expedition may not be retarded for want thereof; Espe-
ly when it shall be considered that the Principal from whence
e Interest Sums have been acquired was not raised upon the
ple, or out of their Estates, but is purely owing to the Grace
Favour of His Majesty in not disapproving the several Acts
which it was raised.

'And that you may not entertain any Jealousy of a misapplica-
n of the Sums necessary for the Services mentioned, and from
nce be unwilling to grant them, it will be most agreeable to me
t Commissioners be appointed to assist in the Application of
m, as well as to make a regular State of the accounts, to be laid
re this or the next Assembly. His Majesty's assurance of His
iously accepting my Zeal and Diligence, and the Satisfaction
ing from a consciousness of having served my Country in an
ir of such Importance, being to an honest mind superior to any
onest Gain.

"As I cannot allow myself to doubt of your speedy complyance with His Majesty's Expectation, it will be necessary that you next prepare a Bill for taking up what Transports shall be wanted for the number of Men raised here, as well as a Bill for Quartering them in a manner the most convenient and least burthensome to the Inhabitants, until the time of their Imbarkation.

"The Governments of Virginia, Maryland, Boston, and Rhode Island, having even before these His Majesty's Expectations were signified to them, given a Bounty to every Man that should Inlist as a Soldier in this Expedition; several Company's have been successfully raised in those Places and are now ready for Imbarkation. Had your Zeal been as seasonably exerted, I doubt not but a number of Freemen might have been found here equally willing, and might have been made useful for restraining Servants from running into other Governments to inlist there. But as we are now Circumstanced, it will not be possible to keep them; neither is it now probable that a Number of Men should be raised in time to answer his Majesty's Expectations from a Province so populous, without receiving them, unless a sufficient Bounty be immediately given for the Encouragement of Freemen over and above what His Majesty expects.

"GEO. THOMAS.

"Philadelphia, July 2d, 1740.

"By Command,

"Thomas Lawrie, Secretary."

In the House of Representatives, the 3d of the 5th Mon., 1740.

Ordered,

That Robert Jones & John Wright wait upon the Governor and acquaint him That in the only Case the House remembers wherein a Matter of like Nature was required of them by the Crown, the original Letter was communicated to the House, and that the House requests a Sight of the original Letters or Instructions referr'd to in the Governor's Speech.

A true Copy. B: FRANKLIN, Clerk of Assem'

A Verbal Message by the Secretary.

"I am Commanded by the Governor to acquaint the House That if they insist upon seeing the King's Instructions as of Right, because some have been formerly communicated to them, he can by no means agree to it, His Majesty having commanded him only to communicate so much as relate to the Assembly. But as the

nor is willing to give them all reasonable Satisfaction, and as nks there is not anything in His Majesty's Instructions but e communicated with Safety to himself, he has ordered me to the House with them during the time of their being read, and o bring them back to him."

the Honble George Thomas, Esqr., Lieut. Governor of Province of Pennsylvania, and Counties of Newcastle, Kent, Sussex on Delaware.

Humble Address of the Representatives of the Freemen of the said Province in General Assembly met.

it please the Governor:

e remember with great Gratitude the many Favours we enjoy the Crown and Government of our Mother Country; and ore it gives us great Concern that we cannot chearfully accede Measures recommended from thence.

We have ever esteemed it our Duty to pay Tribute to Ceasar, yield Obedience to the Powers God hath set over us, so far r Conscientious Persuasions will permit; but we cannot pre- good Consciences and come into the Levying of Money and opriating it to the uses recommended to us in the Governor's ch, because it is repugnant to the religious Principles professed he greater Number of the present Assembly, who are of the ple called Quakers.

"By Order of the House,

"JOHN KINSEY, Speaker.

Philada., the 7th of the 5th Month, 1740.

s Honour, the Governour, to the Gentlemen of the Assembly.

Gentlemen:

In your address of the 7th Instant you are pleased to say, 'That cannot preserve good Consciences and Come into the Levying oney and appropriating it to the Uses recommended to you in Speech.'

I am not sensible That I have in the least deviated in that ch from His Majesty's Eighth Instruction, but if you think rwise, I recommend to you the 'Levying of Money and appro- ting it' agreeable to that Instruction, which ought, indeed, and pe will, have a greater Weight with you than any thing I have or can say. A Copy of it has been already laid before you, and had likewise the Liberty of comparing it with the Original er His Majesty's Royal Sign Manual.

"GEORGE THOMAS.

ilada., July 8th, 1740.

By Command,

"Thomas Lawrie, Secretary.

"His Honour, the Governor, to the Gentlemen of the Assembly:

"Gentlemen:

"It is now a Week since I recommended to you a Complyan with His Majesty's Eighth Instruction, and yet nothing has be done. A considerable Number of Men have already inlisted in H Majesty's Service, and there appears such an Alacrity in the Pe ple as gives me reason to hope that I shall compleat the Levys in reasonable Time, unless you discourage them by delaying the nece sary Supplys.

"As the new Levys are in want of every thing, even Houses t cover their Heads, I am hourly apprehensive they may comm some Disorders, therefore I do again earnestly press you to make speedy Provision for them, answerable to the King's just Expect tions.

"GEORGE THOMAS.

"Philada., July 9th, 1740.

"By his Honour's Command.

"Thomas Lawrie, Secry."

—

In the House of Representatives.

"Ordered,

"That John Wright and James Gibbons wait upon the Gover- nor, and acquaint him that the House have made considerable Pro- gress in a Bill for raising of Money for the use of the Crown; But it being Harvest Time, it would be injurious to the Country Members to stay the Completion of it; That there is a Rumour about the Town of the Probability of Peace between Great Britain and Spain, which if it prove true may occasion some alteration in the Bill; That the Speaker informs the House he is under a Necessity o going to Lewes-Town next Week, in an Affair which concerns th Province; and as they do not think it can be of any great Detr ment to the publick Affairs to adjourn until the Eighteenth Da of the next Month, Therefore the House incline to adjourn to th Time.

"The 11th of the 5th Month, 1740.

"True Copy from the Minutes.

"B. Franklin, Cl."

—

A Verbal Message by the Secretary.

"Mr. Speaker:

"I am commanded by the Governer to acquaint the House, Th

he is very much pleased to hear that they have made so considerable a Progress in a Bill for raising Money for the use of the Crown; but he thinks no Private Business ought to interfere with a Bill so necessary, and so much for the Honour of the Province.

"The Governor would be greatly rejoiced to hear, with any Certainty, of a Peace concluded between Great Britain & Spain; but he is surprized a bare Report of this Kind, in Contradiction to His Majesty's own Letters, should have any weight in the Consultations of a publick Body, or be made use of to delay what is so pressingly recommended by His Majesty.

"The Governor is acquainted with the Speaker's Obligations to go to Lewes-Town, but hoped this Bill might be finished with Ease before he set out.

"The Governor says, The new Levies are in want of all Necessaries; but that if the House is resolved to adjourn, as they have a Privilege to do, he hopes, that in Duty to His Majesty they will meet again in Twelve or fourteen Days, otherwise he is apprehensive that he shall be under a Necessity of calling them again.

"Extract of so much of His Majesty's Instructions, under His Royal Sign Manual, as concerns the Assembly of Pennsylvania.

"Instructions for Our Trusty and Well-beloved George Thomas, Esq^r Deputy Governor of Our Province of Pennsylvania, in America, or the Deputy Governor or Commander-in-Chief of Our said Province, for the time being. Given at Our Court at S^t James' the second Day of April, 1740, in the Thirteenth year of Our Reign.

"Having been called upon by repeated Provocations to declare War against War, We are determined, by God's assistance, in so just a Cause, to vindicate the Honour of our Imperial Crown, to revenge the Injurys done to our Subjects, to assert their undoubted Rights of Commerce & Navigation, and by all possible means to attack, annoy, and distress a Nation that has treated our People with such Insolence and Barbarity.

"We have therefore given Orders for the equipping and setting forth of an Expedition against the Territories of the Catholick King in the West Indies, which will consist of a large Squadron of Our Ships of War, and of a considerable Body of our Land Forces, with a suitable Train of Artillery, Storeships, and Transports, The Fleet to be commanded by our trusty and well-beloved Edward Vernon, Esq^r Vice Admiral of the Blue Squadron of Our Fleet, and Commander-in-Chief of Our Ships employed, or to be employed, in the West Indies, and the Land Forces by our Right Trusty and well-behaved Charles Lord Cathcart, Major General of Our Forces, whom we have appointed Our General and Commander-in-Chief of the said Expedition.

"We have also determined to raise a Body of Troops in Our Colonies on the Continent of North America, to join those to be

sent from hence at a particular Rendezvous, which will be appointed for that Purpose, and to act in Conjunction with them under the Command of Our said General, in such Dispositions as shall be made for our Service; And altho' we have not thought fitt to fix any particular Quota for Our Province of Pennsylvania, under your Government, because We would not set Bounds to their Zeal for Our Service; yet considering the great Number of Inhabitants in Our said Province, and that they have of late years been much encreased, We doubt not in the least but they will exert themselves upon this Occasion as far as the Circumstances of the Colony will allow, being assured they cannot render a more acceptable Service to us and to their Mother Country, or do any Thing more essential for their own Interest.

"But we trust and expect That Our Assembly of the Province of Pennsylvania will provide Victuals, Transports, and all other Necessarys for the Troops to be raised in our said Province, except Cloath's, Tents, Arms, Amunition, and Pay, till their arrival at their general Rendezvous in the West Indies, from which Time the said Transports shall enter into our Pay; and you are hereby directed, without Loss of Time, to recommend to the said Assembly, in Our Name, to make such Provision that the Expedition may not be retarded for Want thereof.

"We depend upon your punctual Complyance with These Our Instructions. We recommend the several Matters therein contain'd to you, Our Deputy Governor, to Our Council, to our Assembly, and to all other Our good Subjects in Pennsylvania, so far as may concern them respectively. And that we do expect that you should, by the first and every other Occasion that may Offer, send us a full and clear Account of your Proceedings herein by Letter directed to one of Our Secretaries of State.

"By His Honour's Command.

"A true Copy. Thomas Lawrie, Sec'ry.

"Philada., July 2d, 1740."

Extract of his Grace the Duke of Newcastle's Letter, one of His Majesty's principal Secretaries of State, to the Deputy Governor of Pennsylvania, Dated Whitehall, April 5, 1740.

"And if you should find Difficulty in Raising the Men within your Government by the Methods that may occur to you for that Purpose, it is His Majesty's Pleasure that you should, in that Case, permit Major General Spotswood, Colo. Blakeney, or any Persons appointed by them, to beat up for Volunteers, and that you should, to the Utmost of your Power, assist them in it.

"By His Honour's Command.

"A true Copy. Thomas Lawrie, Sec'ry.

"Philada., July 2, 1740."

At a Council held at Philada., July 3d, 1740.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

muel Preston, Samuel Hasell,
omas Laurence, Thomas Griffitts, } Esqrs.
lph Assheton,

The Council having been called on an Affair of the greatest Consquence to the Government, viz^{t}, On a Discovery made in England at the Secretary of State's Office, and communicated to the overnor by Mr. Paris, Agent for this Province, of one Robert nkins, of Salem, in New Jersey, having imployed a Printer in ndon to Counterfeit the Bills of Credit of the Countys of Newstle, Kent, & Sussex, upon Delaware, to a considerable value, he Agent's Letter, & the Papers relating to the said Discovery, ere laid before the Board, and Andrew Hamilton, Esqr., Recorder f this City, was called in & desired to assist in the Examination of he said Jenkins.

The Sherif then being commanded by the Governor to bring thg aid Jenkins from Jail before him & the Council, & it appearing pon the Examination that the said Jenkins was guilty of the Forery charged upon him, he was remanded to Jail, to be kept there ill the Governor should issue a writt for removing him to Newcasle, to be try'd there, as the Crime was committed against the Laws f that Government; and it was ordered that the examination this ay taken, and the several Papers transmitted from England, should e sent down to be produced at the time of his Tryal.

At a Council held at Philadelphia, July 21st, 1740.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

muel Preston, Anthony Palmer,
omas Laurence, Samuel Hasell, } Esqrs.
lph Assheton,

The Governor acquainted the Board that Mr. Lawrie having en'd into his Majesty's Service as an Officer in the Troops raised e; he had Ordered Patrick Baird to attend the Council this Day, I recommended him as a fit Person to succeed Mr. Lawrie in the retary's Office. Whereof the Board unanimously approved.

Then the Governor laid before the Board the Proceedings of the sembly at their last Meeting, containing their Address & his

Messages, &c., which were read (and are the same which are here before improperly inserted in the Minutes of Council as of July 2d. Which see.) His Honour then observed that the Assembly had actually made an abrupt adjournment to the 18th of August, without having concluded any thing for his Majesty's Service, in obedience to the Instructions laid before them.

His Hon^{r} likewise again laid before the Board the Duke of Newcastle's Letter of the 5th of April, and more especially the following Paragraph thereof, viz^{t}:

"I now send you, inclosed, His Majesty's Instructions, under his Royal Sign Manual, containing particular Directions for your Conduct in every thing relating to the Performance of this Service, which are so full that they leave me nothing to add but to recommend to you the utmost Care & Diligence in the execution of his Majesty's Orders, and particularly in procuring as great a number of Men as you possibly can to inlist, which, by the great Encouragement which (you will see by your Instructions) his Majesty hath thought fit to give to such Persons as shall enter into his Service on this Occasion, it is hoped may be easily done. You will see that Coll^{o} Blakeney carries with him from hence only three Thousand Arms; you will not, however, limit the number of Men to be raised within your Governm^{t} in proportion to that number of Arms, since my Lord Cathcart will carry with him a Quantity of spare Arms & Cloathing, in case it should be practicable to raise a greater number than the Three Thousand for which Coll^{o} Blakeney carries with him Arms and Money for their Subsistence," &c.

His Hon^{r} also laid before the Board Coll^{o} Blakeney's Letter, impowering him to draw for the Subsistence of Eight Companys, and concluded that the Forces raised here must be Ship't by the 1st of September, in order to be at the Rendezvous in Virginia by the middle of this Month, agreeable to a Letter he had received from the Hon^{ble} Coll^{o} Gooch, which was likewise read at the Board. On Consideration of all which,

It is the Opinion of the Board, That the Governor, without delay, take up or Engage the necessary Transports for the Eight Companys raised in this Province, and that it is necessary for his Majestie's Service That his Hon^{r} call the Assembly together again in a Weeks' time. And writs for that purpose being prepared, the same were read & approved.

At a Council held at Philadelphia, July 29th, 1740.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieu^{t} Governor.

omas Laurence, Ralph Assheton, } Esqrs.
muel Hasell, Thomas Griffitts, }

The Minutes of the preceeding Council being read & approved,

His Hon^{r} the Governor, laid before the Board A Message he had pared to be sent to the Assembly; which was read at the Board approved. Ordered that the Secretary carry the same, with the ract therein mentioned, to the House of Assembly, forthwith.

The Message is in these Words:

"Gentlemen:

"Two of your Members attended me yesterday in the evening, informed me that the House was met pursuant to the Writts is-ed by me, and were ready to receive what I had to lay before em. To this I answered that his Majestie's Instructions were mmunicated to your last Meeting, and that I hoped you would th all possible Diligence proceed to make a Provision of victuals, ansports, and all other Necessaries agreeable to his Majestie's just pectations for the Troops to be raised in this Province.

"These his Majestie's Instructions, & the Instances of the Hon^{ble} ll^{a} Gooch, who is appointed by his Majesty to Command the oops to be raised in North America, & to conduct them to the ace of Rendezvous in the West Indies, obliged me to call you to-ther again before the Time to which you adjourned your selves. ll^{a} Gooch presses me earnestly to provide Transports, and put the oops on Board in such Convenient Season that he may depend on their being at the Capes of Virginia before the middle of Sep-nber, that no disappointment may hereafter attend the Service. it how is this to be done if you do not speedily make the necessary eperation for it? Should any Disappointment attend the Ser-e, it must lye at your Door, since I have already performed my rt. The Troops are not, indeed, so Numerous as might be ex-ted from a Province so populous, & on an Expedition which his ajesty and the whole British Nation have so much at heart, yet sidering that no Encouragement hath been given here by the gislature, I hope what is done will be accepted by his Majesty as Instance of my Zeal for his Honour.

"As seven Companies are already compleated in this Government, will be able to make an Estimate of the Expence which will end the Services expected by his Majesty.

"The Hon^{ble} Coll. Blakeney, his Majestie's Adjutant General, h already remitted to me the Pay of as many of those Compa-s as were compleated when I wrote to him for it, and hath given

me assurance of his doing the like so soon as I inform him of m having raised more, pursuant to his Majestie's Instructions, and hi pleasure signified by his Grace the Duke of Newcastle, of which have now ordered an Extract to be delivered to you, lest it shoul have escaped your Memories since it was read to you at your la meeting.

"I have disposed the Troops into the Adjacent Villages, to pr vent Drunkeness & Disorders in the City. But the Exactions the publick housekeepers for their Lodging & Diet, makes it in possible for them to subsist, since their Pay of sixteen Shillings six Pence Sterling per Month falls short of the Demand of thos People. The King's Troops are billeted in England by Act of Pa liament, for four Pence sterling per Diem, whereas the Innkeeper here will not do it under twelve pence per Diem, tho' Provisions ar bought for half y^e^ price.

"His Majesty, under the Words *all other necessaries*, certainl expected that Quarters would be provided for them; and if this b not done, it will be difficult to keep them within the Bounds of thei Duty. As the stay of the Troops here will be but short, and th expence, therefore, not very great, I recommend this likewise, t your immediate Consideration.

"GEORGE THOMAS.

"By Command.

"Pat. Baird, Secretary.

"Philad., July 29, 1740."

At a Council held with the Indians at the Quakers Meeting House, in Philadelphia, August the 1st, 1740.

PRESENT:

The Honble THOMAS PENN, Esqr., Proprietary.

The Honble GEORGE THOMAS, Esqr., Lieut. Governor.

Samuel Preston, Anthony Palmer,
Clement Plumsted, Ralph Assheton, } Esqrs.
Thomas Griffitts,

Sesounan and sundry Delaware Indians.
Chicalamy and Sundry Mingoes.
Marcus Hewlin,
Conrade Weyser, and } Interpreters.
Thomas Freeman, an Indian,

Present, also, as many of the Inhabitants of Philadelphia as the House could conveniently hold.

The Governor, by ffreman, the Interpreter, let Sesounan and his Brethren know that he understood they were come down upon some

Council held at Philadelphia, July 29th, 1740.

PRESENT:

Honourable GEORGE THOMAS, Esqr., Lieu^{t} Governor.

Laurence, Ralph Assheton, } Esqrs.
Hasell, Thomas Griffitts, }

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Hon^{ble} Coll. Blakeney, his Majestie's Adjutant General, ady remitted to me the Pay of as many of those Compa- ere compleated when I wrote to him for it, and hath given

price for their Skins at Albany or Raritan than we do from you, and that for one Buckskin they can get from those Traders a large bag of Powder [Showing the Dimensions], which is more than you give. Our Brethren, the Mingoes, tell me that they got so great a price for their Skins that I am ashamed to tell them how small a price the Delawares get from you, who are our Brethren. Deer are now become very scarce, & we hope you will Allow Us something of a better price for the future.

"Your young Men have killed so many Deer, Beavers, Bears, and Game of all sorts, that we can hardly find any for our selves; Therefore, we desire that your people would abstain from Hunting, that we may have the benefit of it to support our selves, for God has made us Hunters, and the white people have other Ways of living without that. I have brought down my Gun and my Ax Broken, as we have no Smith living amongst us, and I hope you will get them mended for me. Brethren, we brought no Squaws to carry Skins as formerly, all your Goods are so very Dear.

"Brother Thomas Penn & Governor, We have brought you 160 good Buck Skins, & not one Doe Skin among them. Brethren, I have said a great Deal; I am now grown Old, so that I could hardly come down to you for want of a Horse, and I have been sometimes obliged to borrow one."

Then Chicalamy spoke thus:

"Brethren—

"On behalf of the five Nations I speak.

"The Chiefs of the five Nations some few years ago had a Treaty with you in this Town, and amongst other Things it was agreed that in case any Thing of Moment happened to either of Us, we should communicate it to the Others. We have heard that great Preparations for Warr are making by the Great King of England, but we wonder that we have heard nothing of it from You. We, therefore, desire to know the whole truth of the Matter, whether it be so or no, and against what Power preparations are making, if there be any, That we may know how to Conduct our selves on your Behalf."

Then he laid down a String of Wampum.

The Governor then directed the Interpretors to acquaint the Indians that they should have Notice when both should receive Answers to their Speeches.

At a Council held at Philadelphia, August. 2d, 1740.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieu^{t} Governor.

Samuel Preston, Thomas Laurence,
Ralph Assheton, Samuel Hasel, } Esqrs.
Thomas Griffitts,

The Minutes of Yesterday's Council with the Indians being read & approved, on Consideration of a Proper Present to be made to the Indians,

Resolved, That a Present be made them of the Value of one hundred and fifty Pounds, And that Thomas Laurence, Esqr., and Mr. Edward Shippen, be desired to Assist the Treasurer in sorting and apportioning the Goods to that Value. Then was read a Message which the Governor had sent to the Assembly in these Words:

'Gentlemen:

"Some Indian Chiefs being come to Town to transact Affairs relating to this Government, and having brought with them a considerable Present of Skins, I desire you will order such Sums of Money for their Accommodation, &c., as may be necessary & has been usual."

To which the Governor acquainted the Board he had received a verbal Answer from the Assembly, signifying their Complyance with his desire exprest in the said Message.

Then was read a Message from the Assembly of the 31st of July last, in these Words, viz^{t}:

"May it please the Governor—

"We have often had occasion to acquaint the Governor that the greater Number of the present Assembly are of the people called Quakers, principled against bearing of Arms or applying Money to any such purposes. Desirous, however, to demonstrate our Obedience to our present Sovereign King George, by yielding a ready and cheerful Complyance in the Matters recommended to Us, so far as our Religious perswasions would permit, and willing to give ample Testimony of the Loyalty & sincere Affections of his loving Subjects within this province, We determined at our last Meeting that a Sum of Money should be raised for the Use of the Crown, exceeding in proportion, as we think, what is given in some neighbouring Colonies. Several Difficulties occurred to Us whilst that matter was under our Consideration—the Publick Accounts were then unsettled, and it was unknown what money remained in the Treasury. We observed, also, great Numbers of bought Servants belonging to the Inhabitants of this Province, encouraged to that purpose, had inlisted in the King's Service and were detained from their Masters, to their great Loss and to the injury of the Publick, which we thought called loudly upon us to endeavour to redress.

These and other Considerations took up so much of our Time that our Harvest was full ripe—the Officers were inlisting our Servants in great Numbers in the Country, and Labour in this young Colony, excepting what is performed by these Servants, difficult to be obtained. The necessity of attending the Harvest, and our Speaker's Engagements to be absent at that Time in the Proprietary Affairs, determined us to adjourn to the eighteenth Day of next Month, by which Time we expected the publick Accounts would be settled and the circumstances of the Treasury better known. We were the rather induced to this because the Governor seem'd to represent our Treasury full, & our abilities of giving great, Whereas we had & still have different Sentiments: For if it be considered that great Charges have arisen on the paper Money by the Annual Payments given to the Proprietor for obtaining the said Act, and for printing, signing, & providing Materials to that end, and that considerable Sums are drawn out for finishing & enclosing the State House, and the yearly Expences of Government, the Exchanging of old Money for new, and other Debts due from the Province, it will take up so much of the Public Money as we apprehend will leave the Treasury in a much worse State than the Governor has represented it.

"Our Affairs being thus Circumstanced, we think our selves hardly used in having a small recess, which we thought and yet think could not be attended with any great inconvenience, so severely censured by the Governor in the Writts by which we are now called together as having adjourned our selves, to the great Prejudice of his Majestie's Service, notwithstanding the Governor's pressing instances to the contrary.

"To shew a becoming Zeal in executing the Commands of the Crown is laudable, and will no doubt meet with a proper Acceptance from thence; but whilst the Governor is pleased to assume so much to himself, it seems hard not to allow us any, when in Matters wherein our Consciences are not concerned we could as chearfully give Demonstration of it as any of our fellow Subjects.

"The Obstacles we formerly met with are not as yet lessened, but increase, so as to render it a Duty we think indispensably necessary to apply for Relief. The Governor is pleased to let us know that the Troops inlisted in the King's Service are not so Numerous as might be expected from a Country so populous, although seven Companies are already compleated; But by what Rules this Estimate is made we are very much at a loss to determine. Were we to form any Judgment from the whole Number expected, and the Abilities of the Inhabitants of this Province compared with others on the Continent, we should think three of the seven Companies a full Proportion, and if we are rightly informed are as many if not more than was expected from this Government, exclusive of the Territories. Besides, from the best Accounts we have hitherto gained of the seven Companies which have been raised within this

Government, there are several hundred of bought Servants whose Masters, if they are detained from them, must totally lose their Service, and the Publick the benefit of their Labour, a calamity we perswade our selves the Crown never intended should befall any of its Dominions.

"The Governor indeed has been pleased to tell Us, Had our Zeal been seasonably exerted he doubted not a Great Number of Freemen might have been found here, &c., and that it was not then probable a Number of Men should be raised in Time & without receiving Servants, unless a sufficient bounty was immediately given, &c.

"But had the Governor been pleased to recollect what had happened in this Province, it must be known to him that Servants were incouraged to List, and that the Names of those who Inlisted were directed to be concealed, which Concealment and the severe Treatment those Masters who applied for their Servants received from the Persons appointed to take the Names of such as should apply to inlist themselves, gave the Servants an Opportunity of escaping from their Masters and the King's Service, which many of them did to the entire Loss of their Masters before the Assembly had any oppertunity of giving a Bounty to Freemen, had they been so disposed.

"The King and Parliament of Great Britain seem desirous to encourage the Importation of white Servants in the Colonies of America rather than Negroes, and have from Time to Time made Acts which seem to be directed to this end; but if the Property of the Master is so precarious as to depend on the Will of his Servant and the Pleasure of an Officer, it cannot but be expected there will be fewer purchasers for the future, and that Trade consequently much discouraged. Besides, the Masters of these Servants have reason to think their Properties unjustly invaded, and it will not be easy to shew that any Goods in which they have the most absolute Property may not with equal reason be taken from them as their Servants.

"The Applications we have had by Petitions from the Masters, and our own Observations of the Difficulties many of them undergo, render them objects worthy of Relief; And we, therefore, earnestly request the Governor, on their Behalf, that he would give directions to discharge and deliver those Servants already inlisted within this Province to their Masters, and that none may be inlisted for the Future.

"It must afford but a very melancholy Prospect to discover the Farmer & Tradesman, whose Subsistence & the Subsistence of their Families very much depend on the Labour of their Servants, purchased, perhaps, at the Expence of most they were worth, deprived of that Assistance and put under the greatest difficulties—the former to secure what he has already sown, and to cultivate &

to sow what is absolutely necessary to subsist on another Year, and the latter to carry on his Trade & Business—all owing to the Caprice of the Servant & Will of an Officer, under Pretence of serving the Crown, when hardly any greater disservice could be done it. The regard our King has ever shewn to the Liberties & Properties of his Subjects in every Part of his Dominions sufficiently demonstrate to Us that no thought so injurious ever entered his Royal Breast; and the Grievance is now become so great and so general, that we conceive it would be inconsistent with that Duty We owe to the Crown and the Trust reposed in Us by our Country, should we give any Money without first seeking for redress."

The Governor then laid before the Board a Message he had prepared to be sent to the House of Assembly, in answer to their foresaid Message, which was read at the Board and approved, and when Engrossed, Ordered, that the Secretary carry the same to the House of Assembly; which Message is as follows, Viz^{t}:

"Gentlemen:

"In answer to your Message of the 31st of last Month, I recommend to you a Review of your Proceedings at your Last Meeting. But lest his Majestie's Service should suffer by any neglect of mine, and as Interest & prejudice may blind some amongst You who have otherwise good Intentions, it may be necessary for me to make some observations upon them, as well as upon your last Message.

"In my Speech of the 2d of July last, I recommended to you to give a Bounty, as was done in some other Governments, to encourage Freemen to inlist, and expressed my apprehensions that unless such Bounty were given a Number of Men, sufficient to answer his Majestie's Expectations from a Province so Populous, would not be raised without receiving Servants.

"In your Address to me of the 7th of July, you tell me that you cannot chearfully accede to the Measures recomended from thence, that is (from what goes before), from the Crown & Government of your Mother Country; And then you say, That you can not preserve good Consciences & come into the Levying of Money and appropriating it to the Uses recommended to you in my Speech because it is repugnant to the Religious Principles professed by the greater Number of the present Assembly, who are of the People called Quakers. But you made no Answer to what I said concerning Servants.

"This I looked upon as a Positive Refusal to comply with his Majestie's Eighth Instruction. But as the latter part carried an insinuation that I had recommended something different from that Instruction, to cut off all Pretence for differing with me I recommended to you a Complyance with that Instruction in his Majestie's own Words.

"On the 9th, I Informed you that a Considerable number of Men were inlisted, and that the Levies would be compleated in a reasonable Time unless you discouraged them by delaying the necessary Supplies, and I then recommended a speedy Provision for them. To this Message you never vouchsafed to give me any Answer, so far were you from Complaining of the inlisting of Servants at that Time.

"On the 11th, you sent me the Resolution of your House to be re delivered verbally by two of your Members; but as it related to a Matter so strongly recommended by his Majesty, I desired that the Members would return to the House and bring it in Writing, for fear of Mistakes either through the Defect of their Memories or my own. And upon their Return they did deliver it in Writing, acquainting me That the House had made a Considerable Progress in a Bill for Raising of Money for the Use of the Crown, but it being Harvest Time it would be injurious to the Country Members to stay the Completion it; That there was a Rumour about the Town of the Probability of a Peace between Great Britain and Spain; and for these Reasons you adjourned, notwithstanding my Instances to the contrary.

"In this Resolution you were so far from making Complaints of the King's Officers having received Servants who had voluntarily inlisted themselves, that you say You had made considerable Progress in a Bill for Raising Money for the Use of the Crown. But to shew how little you were in earnest in that Bill, you adjourned to the 18th of August upon the Rumour of a Probability of Peace which no Man heard any Thing of but your selves), to go home to your Harvest, Notwithstanding his Grace the Duke of Newcastle, in his letter of the 5th of April, which was laid before your House to read, there says that Col. Spotswood will receive his Majesty's Directions to Sail with such a Number of the Troops as he can get together, so as to be at the place appointed for the General Rendezvous by the Latter end of August.

"Col. Gooch having since that adjournment pressed me earnestly to provide Transports & Provisions for the Troops, so as that they may be at the Capes of Virginia by the Middle of September, I called you by Writ to meet me the 28th of July. As you now find that the Time presses, & that you are obliged to come to the Point to avoid complying with his Majestie's Instructions, the Bill for Raising of Money for the use of the Crown is vanished, and instead of it a Message is sent to me demanding a discharge of all such Servants as have voluntarily inlisted themselves, before you will raise any Money for his Majestie's Service.

"In Answer to this new Demand, I say that my Warrants to the Officers to inlist Men were General, and pursuant to the King's Orders; and the Officers inform me That they did not receive any Servants till they met them travelling upon the Road to New York

to inlist there, and were well informed that many had gone thither before.

"That to all that have applied to me for a discharge for their Servants I have given Notes directed to the Officers desiring them to discharge such Servants, if they can be perswaded to return to their Masters, and it can be done consistent with the Service; and as many have from thence been discharged here, so the discharge of some has been procured by me from other Governments.

"That I shall continue this method, that the King's Service and the Interests of the Masters of Servants may go hand in hand, and I doubt not before the Troops imbark most people will be better satisfied than if the Officers had denied to receive them, as they would have run away and inlisted themselves in other Governments on Account of the Bounty given or better provision made there for them. But as to discharging them all at once it will be injurious to the King's Service, and, if I may judge from what has happened allready, breed such a Mutiny as will not be easy for me to quell, since, upon Capt. Thinn's returning some Servants back to their Masters, Freemen as well as Servants laid down their Arms, and declared that they would go into other Governments where the King's Soldiers were better used, & were about immediately to disband had not the Captain's Temper & Presence of Mind found a way to satisfy them.

"That I shall not take upon me to determine whether a Person indented for a Term of Years may inlist himself in the King's Service, tho' I have the Opinions of many able Lawyers upon it, & most of them give it for the Affirmative with greater Strength of Reason & Law in my Judgement than those that hold the Negative, The Case of Felons transported by Act of Parliament differs much from Apprentices & Servants. However, should any Man think himself aggrieved, I refer him to his remedy at Law against the Officer, and I shall by no means discourage the recovery of his Right if it be so. I shall be very Cautious, however, of forcing such out of the Service as insist upon serving his Majesty in this Expidition, lest I should by so doing betray his Magistie's Right to the Service of such as voluntarily offer themselves for that purpose.

"It must appear very Extraordinary That the King's Affairs should be postponed till you can find Leisure from your Private Affairs to settle the Public Accounts, or that the Officers receiving some Servants into the King's Service should be thought a sufficient reason for refusing what his Majesty so justly expects from a people who have as yet born no part of the Burthen of a Warr undertaken for the preservation of their Property, when the Subjects in Britain chearfully pay very heavy Taxes.

"I shall be under no difficulty, allowing all the Articles of Account mentioned by you against the Publick, to make it appear that the Ballance due and to become due in a few Months will Amount

hat I have said; But I cannot help observing that what you of the Payment to be made, the Proprietors were so far from g given for obtaining the Paper-Money Act (as you at best akenly call it), that it was a low Composition for the Quit-Rents to them instead of Sterling Money, And by which I made it ar at that Time, beyond Contradiction, they lost several hundred nds to gratify the unjust & unreasonable Clamours of some who not honest enough to perform their Contracts.

If you can shew me that you have contributed in the Minutest icle to the Execution of His Majestie's Orders, tho' so press- y and affectionately recommended to you by his Majesty, or one Man could have been raised in Time for this Expedition ny Encouragement given by You, I will readily acknowledge & lish to the World the Share of Merit due to you.

If his Majestie's Instructions declaring that he does not fix any n of Men, and his Grace the Duke of Newcastle's Letter sig- ng his Majestie's Pleasure that I am to raise as many Men as ably can, notwithstanding the proportion of Arms carryed by Blankeney, are not of equal Authority with any Information pretend to have received, I confess myself incapable of satis- ; you; But from your whole Conduct there appears good reason nclude, That to save your Money You would have been pleased not even one Company had been raised here.

Altho' your Principles will not allow you to raise Men, or even ms to support them when raised, you are ready enough to cen- the Conduct of others who have been more Zealous in the Exe- n of his Majestie's Commands. When you want an Addition aper-Money Your Province is represented as very Populous your Trade very Great; But when you are called upon for Men oney your Numbers and your Abilities are very much Dimin- . I have seen and informed myself of much of this Conti- and I can venture from thence to Affirm, that next to New nd this Province is the most Populous and the best able to a Sum of Money for carrying on this Glorious Undertaking— York and other Governments having been at a very Great Ex- in Building Forts & maintaining their Frontiers.

s it makes for your Purpose, you have greatly aggravated the er of Servants inlisted by calling them several hundreds; but will give a Bounty even now to such Freeman as have in- and shall be willing to inlist, the number of Servants may be sened as not to give much Occasion for Complaint, many of as I have been informed, having but few Months to serve, ie Masters are willing they should inlist, as they from thence ive the Freedom Dues which they by Act of Assembly are d to give when Servants are out of their Times. The officers me they will not inlist any that they know or can be informed rvants.

"The Names of such as should be willing to enter them were by my Order, with Consent of Council, directed to be kept secret for justifiable Reasons, & among others to prevent their being arrested & confined for trifling Sums which they might raise by their Labor before the King should call for their Service; and Servants were so far from having it in their Power from thence to escape, not having received the King's Money or taken the Oath required by Act of Parliament, that their Masters generally were the more watchful of them; and Publications were affixed in the most Public Places by me, declaring That the Obligations between Master & Servant were not disolved, ordering them at the same Time to return to their Masters, & exhorting the Magistrates to put the Laws in Execution. If the Persons appointed to take the Names of such who should offer themselves for the Service treated the Masters of Servants severely, they were to blame. But I defie you to give an instance of it, tho' Instances can be given of Masters having shewn very little regard to a Name of the highest Dignity.

"Acts of Parliament are in force in England for Transporting Felons to the Colonies, but to Use an Expression of the Lords for Trade & Plantation, your Acts have militated even against those Acts of British Parliament, and do so at this Time, your last Act not being yet repealed, tho' objected to at that Board; So that what you make use of now as a Plea against the King's Right to the Service of his Subjects, you have always heretofore opposed by prohibiting the Importation of Felons, and therefore you cannot be supposed to have any such now under Indentures.

"If Masters were paid the Value of their Servants, as I am informed was done by a former Assembly for those inlisted in the Canada Expedition, such as have any regard for their Mother Country would be easy. The Assembly of that Time raised Two thousand Pounds besides, for carrying on that Expedition, by a heavy Tax on the People, whereas at this Time your Interest Money will do that and all that is expected without any Tax.

I should be glad you would shew your Duty to his Majesty, and your Gratitude for the Powers & Privileges those of your Society enjoy here more than in any other part of his Majestie's Dominions, by Actions as well as Words. If your Principles are inconsistent with the End of Government at a Time when his Majesty is put under a necessity of procuring Reparation for his injured Subjects by Arms, why did not your Consciences restrain you from soliciting for a Station which your Consciences will not allow you to discharge for the Honour of his Majesty, and the Interest of those you represent; For it is a piece of Injustice to involve a People of which you are not above one-third in Number, in the ill Consequences that must attend a Government under such a Direction.

"Before you apply'd yourselves with great Industry to obtain an uncommon Majority in this Assembly for opposing my Endeavours

put the Province in a Posture of Defence, the Government en-ed such a Tranquility as gave every honest Man great pleasure Mind; but since, the Defence of the Province has not only been osed, but the Rights of the Corporation of this City (generously nted by your first Great Proprietor) have been attacked. Emis-ies have been frequently imployed to promote Petitions for va-us Ends, and the Publick Money has been spent in Contests th me, without doing one single act for the Service of your King the People you represent. This is a Behaviour very different m that Spirit of Christianity you profess, and I think as differ-from that of your Friends in England.

"GEO. THOMAS.

hilad., Aug. 2, 1740.

'By Command.

"Pat. Baird, Secretary."

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lt a Council held with the Indians at the Quaker Meeting House, Philadelphia, August 6th, 1740.

PRESENT:

he Honble THOMAS PENN, Esqr., Proprietary.

he Honble GEORGE THOMAS, Esqr., Lieut. Governor.

uel Preston, Thomas Laurence,
thony Palmer, Samuel Hasell, } Esqrs.

Sassoonan, with sundry Delaware Indians.

Chicalamy, with sundry Mingoes.

Capt. Hill, with sundry from Ohijo.

Conrade Wyser,
Freeman, the Indian,
George Miranda, } Interpreters.

resent, also, as many of the Inhabitants of Philada. as the use could conveniently hold.

he Governor directed the Interpreters to let the Indians know he was about to speak to them in Order; Which he did as ows:

'Brother Sassoonan, Brother Chicalamy, and the rest of Our thren from Allegheny, Shamokin, Otzenaxa, Connestogoe, & ndywine;

'We take this visit kindly, and are glad to see you all. Being rous to Answer our Brother Sassoonan's Speech in the order he re it, we shall first address ourselves to our Brethren who are led on the River Ohijo.

Brethren:

It is not an uncommon thing to see People forget their nearest

and best Friends when they remove at a great Distance from them. The late Governor Gordon, apprehensive that on your removal to Allegheny you might, as many others do, grow cool in your Regards to your Brethren, wrote you this Letter wherein after expressing his Fears least you, being gone a great way off, might fall into the hands of Strangers and they might tell you many false stories, He gave an Invitation to come and see your old true Friends and Brethren.

"It is as you say a great while since you received this Letter, and we might reasonably think that you were not as mindfull of us as true Friends ought to be of one another, but you have excus'd yourselves in so handsome a manner, and have so frankly declar'd that you look on this Place to be your home, that we have opened our Houses to you and received you just as we would our own Children returning to us after a long absence.

"We are glad to hear that the Country you remov'd to is full of all sorts of Game, and that you are pleased with our People's coming amongst you and supplying you with Powder & Shott and other necessaries for Hunting.

"As we do our utmost to promote your Interest, we are pleased to find you gratefull, and accept of your Present of Skins for Gloves.

"We are sensible many Stories are told, both to your and our prejudice, by ill People who have no good Designs either on you or on us; but as we on our parts never give heed to the idle Reports, so we are glad to hear from your own Mouths that you give no manner of Regard to them, and we with Pleasure take Notice of what you say on this Head.

"Now we proceed to that part of Sassoonan's Speech which relates to you and our Brethren the Mingoes from Shamokin.

"Brethren:

"We are pleased that our Brother Sassoonan called on you and brought you along with him; we are glad to see you, and the more so because we have nothing but good things to speak to you. It must needs give abundance of Satisfaction when old Friends who live at a distance come together, and have nothing to find fault with or no ill News to tell one another.

"We endeavour all that lies in our Power to keep the Roads that lead from us to you clear of all obstructions, and are glad to hear you say you found them open and fair and free from all Hindrances; we don't doubt but if by any Accident any dirt should get into the Roads, whoever sees it first, whether we or you, would immediately remove it, for to let it remain there would be inconsistent with our mutual Friendship.

"We thank you for your Assurances to keep the Chain of Peace and Friendship that subsists between us always bright and clear.

Ve, for our Parts, look on our Brethren as our selves, and affects them equally so affects us; nothing can trouble them t troubles us too, nor give them pleasure without giving us are at the same time. I speak now to you all, as well those Allegheney, Shamokin, and Otzenaxa, as those from Connes- and Brandywine, for as you are all of the same Flesh and l, so we look upon you all to be equally intitled to our Love ffection.

Ve now come to the last part of Sassoonan's Speech, which d to himself and his Children the Delawares only.

Brethren:

Ve should be glad to do every thing that is in our power to nt your being ill used in your Trade with our People, and that night have a good Price for your Skins, and the English Goods heap Rate, but we cannot think it would answer your expec- to fix certain Prices for either Sort, since of each sort there be several kinds, and the price should be given for them accord- the goodness of Each. It is always found that the best way ry on Trade is to leave it open and free, and then the Person brings the best Goods and sells at the cheapest Price will gain rgest Trade. If our Traders do not bring you as good Goods ery sort, sell them at as low a Price, and give you as much our Skins as those from any other Place, we must leave it to o Trade where you can do it to your greater Advantage.

Ve cannot restrain our Inhabitants from killing Deer in the ls; they are there wild, provided by God for the food of Man, elieve you might prevent it in a great Degree by refusing to any sort of Trade with those litle Traders, that without any ority from any Government take a few trifling Goods and go he Woods to sell them, and get a litle more by killing some themselves. Many of them would not think it worth their to go only to Hunt without they made some small advantage eir trifling Cargo, which if they could not sell they would stay me and till the Ground.

hese Traders are very numerous and are under no sort of Se- to act honestly in their Trade, and therefore on any Complaints made of their ill Behaviour, as they are generally poor, they t make any Satisfaction; but if you would refuse to trade with erson from this Province that has not a Lycence under the of the Governor and Seal of the Province, which give a Se- for their good Behaviour to the Indians in their Trade, it l be of Service to you in your Trade, as upon any Complaint erson who becomes Security would be Answerable, and it l prevent many of the others coming among you from killing Game.

Ve have ordered your Hatchets and Guns to be mended as you

desire; we accept your Present of One hundred and sixty Buckskins, and in return have ordered you the following Goods:

"Two Pieces of Strouds,	Twelve pair of Stockings,
"Two Pieces of Blankets,	Twelve pair of Bath-Metal Buckles,
"One Piece of Dussels,	Fifty pound of Tobacco,
"Two Pieces of half Thicks,	Six brass Kettles,
"Three Barrels of Gunpowder,	Five Doz^{n} of Buckshorn Knives,
"Five Hundredweight of Lead,	Twenty-four ruffled Shirts,
"Nine Hatts,	One Dozen of Hoes,
"Two Groce & 1 Doz^{n} of Pipes with Box,	One Dozen of Hatchets,
"Three Guns,	One Dozen Looking Glasses,
"Five hundred Flints,	Two Bear Skins,
"Three Doz^{n} of Tobacco Tongs,	A Horse, Saddle, & Bridle for
"Twelve pair of Shoes,	Sassoonan.

"Brethren, the Mingoes—

"By the Treaty we made with our Brethren of the Five Nations, We acknowledge ourselves under Engagements to have our Eyes and Ears open to whatever may concern them, and we shall always be ready to act up to these Engagements; but the present Warlike Preparations being made against Spain, a Nation with whom they have no Alliances, a warr with them can not affect their Interests; but as they are our very good Friends and Brethren, it may on that account administer some Pleasure to them to hear that His Majesty King George, to prosecute this Warr has fitted out several Fleets of very large Ships, with many Thousand Men and a great number of very heavy Cannon, and has already obtain'd considerable Advantage over his Enemy by destroying their Towns, demolishing their Forts, blocking up their Harbours, and preventing their Ships from carrying their Treasures out of America over the broad Seas; and we do not doubt but the King of Spain will be reduced to the necessity of Offering us a Peace on our own Terms.

"The French are in Amity with us, and as long as they are at Peace with us you will continue to behave towards them as Allies and Brothers.

"Brethren—the Mingoes:

"We desire you will let the Five Nations know that Henry Webb, one of our Inhabitants at the Minisincks, was in May last barbarously Assaulted and Wounded by a Mohickon Indian named Awannameak, to that degree that tho' he was brought down immediately to this Town and put under the care of a skillfull Physician, yet he lay in exquisite pain for a long while, uncertain whether he would Live or Dye, but by the care and skill of the Doctor, he is at length recovered, and notwithstanding all that could be done he has lost his Jaw bone, and is in a great Measure disabled from doing any thing to support himself for the time to come.

annameak, after he had committed this Villainous Act, im-
ly fled, and as soon as this piece of Wickedness, and his
for it came to my Knowledge, I sent a Messenger in pur-
him, with a Letter directed to the King or Chiefs of the
to whom Awannameak was Subject, demanding to have him
ately apprehended and delivered up, that he might be pun-
case Henry Webb should Dye of the Wounds he received
m, or in case he should recover (which I heartily wished he
, that he might be obliged to make him Satisfaction besides
all the charge of his Cure and Nursing and Keeping; And
as not able of himself to do this, his Friends should help
d do it for him, till by his own Diligence in Hunting he
ake Satisfaction to them.

is letter was first read to the Indians in Council at the Mini-
who acquainted the Messenger that Awannameak belonged
Mohickon Indians, and that their King, Menakikickon,
rite to the King of the Mohickon's, who lived near Esopus,
er the young Man up. On this the Messenger proceeded to
, and taking some of the Magistrates of that Town with him,
t to the place where the Mohickon King lived, read my let-
im and demanded Awannameak to be delivered up. The
would say no more than that he was Sick and the Squaws
sy tending their Indian Corn, and as soon as that Work was
would give me an Answer. But I have never heard from
ce. This Conduct in a King who is one of the Tributaries
Five Nations, is a direct Violation of the Treaties subsisting
them and us, and must needs bring a great Scandal on the
who have ever been deemed true to their Compacts, and
Observers of the publick Faith. We therefore desire the
ations, whose Honor and faithful Observance of their En-
nts we have entertained an high Opinion of, will, in regard
r own Characters, interpose their Authority, and not only
otice of the failure of Duty in the Mohickon King, one of
ributaries, but order Awannameak to be severely punished,
t he may make full Satisfaction to Henry Webb for the Pain
suffered and the Losses he has sustained by this barbarous
."

is Schickcalamy answered that he would carry the remem-
of this the Governor's Desire in his Bosom.

r which, Captain Hill and Schahanapan told the Governor
out six years ago two Children of their Nation were taken
rs and carried away by the Catawbas, and they hear that
e still alive to the Southward, and they pray the Governor
e Enquiry to be made after them, and if they can be pro-
o be restored, they will pay the Charge.

hich the Govenor Answered, That he would write to the
or of Virginia about it.

At a Council held at Philada., August 23d, 1740.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut. Governor.

Clement Plumsted, Samuel Hasell, } Esqrs.
Thomas Laurence, Thomas Griffitts, }

The Governor laid before the Board a Message he had receive from the Assembly of the fourth Instant, in the following Words Viz^{t}:

"May it please the Governor:

"As the Message we last received is long, and consists of many Particulars which will require Time to answer, and as we do not observe the Governor's Opinion in relation to Servants is so clear and positive as we could wish and the Occasion requires, we hope this further Application in respect to them will not be taken amiss. Before we had Notice of so many Servants being inlisted as are at present, we were of the Governor's Sentiments that the Laws in being had provided sufficient Remedy for those who were aggrieved, and referred such who petitioned us to the Methods they should be advised to for Redress; but the Numbers now appear so great, and likely to encrease, that we think the Commencing of so many Law-Suits as may be necessary to give the Parties Relief, will be an additional Calamity to the Province, and not so speedy as the Necessity of the Masters calls for.

"And as the Governor is pleased to let us know there are already seven Companies compleated—and we are told the Number of Servants inlisted is aggravated when we called them several Hundreds, there must be, in our Opinion, many more Freemen inlisted than will bear any just Proportion to the Abilities of the Inhabitants of this Province, or with which they ought to be burthened.

"We therefore again become earnest Suitors to the Governor, that he will give Directions that no more Servants may be inlisted for the future, and for the Discharge of those already inlisted, and their being return'd to their Masters; which we think may be very easily done without any Tumult or other inconvenience.

"As the chief Difficulty we have been under, and the Time heretofore spent, has been principally to guard against the Inconvenience which have arisen by this Means, and not the saving of our Money, as the Governor supposes, we entreat him to give a direct and positive Answer in this respect, as in an Affair in which we think the Interest of the Crown and Welfare of this and other Provinces much concerned.

"Signed by Order of the House.

"JOHN KINSEY, Speaker.

To which the Governor acquainted the Board he had returned the following Answer:

"Gentlemen—

"As I am not conscious of having ever taken amiss any Application from the Representatives of the People, where such Language was used as became that Body to the Station I am in, or even such as becomes one Gentleman to another, so I can truly affirm, that no Man ever came to a Government with more sincere and disinterested Inclinations to promote the Honour of His Majesty, and to justify the Choice your worthy Proprietors had made of me; or with a more determined Resolution to act with Justice and Affection impartially to all People of the different Persuasions under my Government.

"I now find in myself the same Inclinations to gratify all such as apply to me for Redress, and I heartily wish the Application had been made to me sooner by you, which I wonder was not done, as you had received Petitions from such as thought themselves injured, or by the Masters of Servants; but I am now informed the latter were pursuaded from it by the Bontefeux of the City, who have no other Way of making themselves considerable but by stirring up the People to a Contempt or Neglect of their Governor.

"Before I set out for Newcastle to meet the Assembly there, I had laid the King's Instructions before you; and I ordered the Officers to engage as many Freemen (and Freemen only) as they could, in His Majesty's Service, hoping the Assembly would have given a Bounty, as was done in other Governments, to raise a sufficient Number of such. Your House sat a whole Week after my Return, without making the least Complaint to me of the Officers having received Servants. Had you done it then, I might have interposed with Safety to the Inhabitants, and without Prejudice to the Service; but could I think myself justified in Discharging them now, after they have been qualified, by taking the Oaths directed by Act of Parliament, before the Magistrates, and have received the King's Subsistence from that Time to the 24th of this Month, I cannot persuade myself that it would be of any real Service to the Masters, or that it is possible for me to do it in any other Manner than that I mentioned in my last Message, so as to prevent Tumults, since it would be letting loose an incensed and disorderly People upon the Country, to their great Terror and Danger.

"The Officers assure me that they will not inlist any Men which they either know or can be informed are Servants; and that they will discharge all they have as fast as Freemen come in, if they can be persuaded to return Home to their Masters, which they will use their utmost Endeavours to do.

"I have more than once inform'd your House, besides laying Copies of the King's Instructions and Letters before you, that I was

commanded to raise as many Men as I possibly could; and you w
well knew, near a month ago, that I had given out Warrants
raise Seven Companies in this Government; and yet no Object
was made by you to the Number till a few days ago, after the Se
Companies were all compleated. If you will give yourselves Le
to think, you must know, that since they are raised it is no m
in my Power to disband them without the King's Order, than it
in my Power to raise them without it

"I informed the Honble Col[a] Blakeney early, that eight Gen
men had undertaken to raise so many Companies, and that they h
each made some progress in it; but that if no more than four Co
panies was expected from this Government, the Men raised by t
of the Gentlemen must be disbanded. To which he was pleased
answer, in Substance, That as the eight Gentlemen had undertak
it in Pursuance of his Majesty's Instructions, I must give four
the Gentlemen Certificates of their having raised them, to ent
them to Commissions from Lord Cathcart; and that he would re
Money to me for their subsistence.

"I can by no means agree with you, That the Circumstances
this Province will not allow you to make Provision for them; sin
no Government in North America has, I believe, at this Time,
much Money in Bank, and that owing to the Grace and Favour
His Majesty.

"Other Provinces have been so regardful of their own Welfa
and have behaved so dutifully to His Majesty, that I think we ne
not extend our Care for them at this Time. Have a due regard f
your own, and reflect with the same concern that I do, on the Ti
and Money already spent in fruitless Messages, without doing a
Thing for the King's Service; and then, since the Time presses,
hope you will make a better use of what is before you.

"GEORGE THOMAS.

"August 5, 1740.

"By Command.

"Pat. Baird, Secretary."

The Governor also laid before the Board the following Message
the eight Instant, which he had received from the Assembly, viz

"May it please the Governor—

"It is with great Unwillingness we engage in Controversy; b
when we find our Loyalty to the Crown, and the Consistency of o
Principles with Government are questioned, when our Conduct
so severely censured, and almost every Action misrepresented a
placed in the most disadvantageous Light, and all this by our G
vernor, from whom we rather expected Protection and Assistan
the Duty we owe the Crown, the Trust reposed in us by the Fr
men of this Province, and the Justice due to ourselves, render t
Message in our Justification absolutely necessary.

"That the Governor might once have thought a Number of Men sufficient for the Purposes recommended by the Crown, could not have been raised without receiving of Servants, may, for ought we know, be very true; but since on Experience it is found that so a large a Number, exclusive of Servants, is already raised for that Purpose without a Bounty, we hope he will now, with us, think differently.

"Of the Seven Companies which the Governor is pleased to tell us are already compleated, from the best Accounts we can gather there are, and have been, at least Three hundred Servants which, at a moderate estimate, we think may one with another be valued at Ten pounds per Head, and amounts at that Rate to Three thousand Pounds. Does the Governor think it reasonable, and that it will be no burthen on the Inhabitants of this Province, to pay that Sum of Money to their Masters, besides raising as much as will be necessary for Victualling and Transporting seven whole Companies?

"And yet even this is not the whole Burden the Government seems to think fit to lay upon us. '*Seven Companies* (he informs us) are already *compleated*,' which implies an Intention of Raising more, and where he will be pleased to stop we cannot take upon us to determine.

"It has been allowed as a Maxim amongst the best Statesmen, That the interests of the Crown and its Subjects are inseperable, and it is happy for those Colonies whose Governor's promote like Doctrine between them and the People committed to their Care. Had this been our Case, our Address of the 7th of the last Month might have been represented perhaps in a more favourable Light, wherein we declare that 'we remembred with great Gratitude the many Favours we enjoy'd under the Crown and Government of our Mother Country, and therefore it gave us great Concern that we could not chearfully accede to the Measures recommended from thence,' whereas the Governor in his last Message, leaving out all the former part of the Words, only publishes us to have said 'that we cannot chearfully accede to the Measures recommended from thence.' Whether this was done to make our Conduct in regard to the Crown the more or less respectfull, requires no great Penetration to determine. Nor is there any greater Difficulty in discovering why, after the Resolution of the House to raise a Sum of Money for the Use of the Crown, and their having made a considerable Progress in a Bill for that Purpose, the Governor is pleased to publish his Sentiments of our Address before mentioned, Viz^{t}: That he looked upon it as a positive Refusal to comply with his Majesty's Eighth Instruction, &^{ca}

"The same Justice seems to be observed towards us in some subsequent Parts of the same Message. The Scarcity of Labour occasioned by inlisting Servants, and the necessity of our Speaker's Absence, which were the principal Motives for an Adjournment, are

omitted in the Reasons the Governor is pleased to enumerate; And the Rumour about Town of a peace which had the least Weight with us, taken Notice of as if it had been the chief Cause, with this Censure too That no Man heard ought of it but ourselves. When the Governor was pleased to call our Veracity in Question, one might have expected he would have been particularly careful on his own Part; and yet it is not only a Mistake in Fact, but what he neither did nor could know that no Man heard any thing of that Rumour but ourselves.

"We are used with much like Charity, when our Application to him to Redress one of the greatest Grievances this Province ever laboured under, viz., the taking and detaining so many Servants from their Masters, is represented as if it had been a design to avoid complying with His Majesty's Instructions, when he might with equal Truth say any Thing he pleases. If the Interest of the Crown does suffer for want of the Money we were and yet are willing to give, it must be owing to his Misconduct, for it cannot be thought reasonable we should give a Sum of Money which might be applied to transport so great a Number of our Servants from their Masters, when there are as many if not more Freemen inlisted, we suppose, than amounts to the full Proportion for this Province.

"Why the Governor should assert the Bill for raising of Money for the use of the Crown is vanished, he can best Account. The principal Difficulty which arose on that Bill is what we yet are desirous of finding a proper Expedient for, viz., the Return of the Servants inlisted to their Masters; and whenever the Governor will be pleased to redress this Grievance, altho' the Bill may not vanish, the Necessity of it will, for we can and are willing to give our full Proportion of Money without any Bill.

"The Governor is pleased to acquaint us His Warrants to the Officers to inlist Men are general, and pursuant to the King's Orders, which is so far well, but as the Governor had the Power of giving Warrants, we also think he had and hath the Power of superintending the Execution of them, and had it pleased him to have directed that Servants should not have been inlisted, it had been more agreeable to the Practice of all the other Colonies, And we have no Doubt but the Captains he has been pleased to appoint understood their Duty too well to have disputed his Commands.

"But as the Governor has in divers Parts of the Messages we are answering, as well as elsewhere, insinuated That a timely Application to him might have prevented the Inlisting of Servants complained of, we hope he will excuse us in giving the best Account we can of this Matter.

"Soon after the Receipt of the first Commands from the Crown respecting Inlisting of Soldiers, he may remember he published a Proclamation concerning it, bearing date on the 14th of April last

ast, the same Day being applied to by some Servants who were eirous of Inlisting themselves in the King's Service, the Governor king some of them by the Hand let them know they were freed om their former Masters, and were obliged to serve none but the ing; That there was no Difference between himself and them, but at he had better Cloaths and Money in his Pocket, which he also them know would be provided for them. This and some other nduct of like kind hath been the principal Source from whence s Evil sprang. Great Numbers of Servants applied to have their nes entred, and they grew so tumultuous and disorderly that Governor was put under the necessity of publishing the Proclation he is pleased to mention, by which it was declared that the ntracts between Servants and Masters was not dissolved by the tring of their Names as before mentioned; but notwithstanding , they were fed with Hopes that when the King's Commissions ie over they were at Liberty to inlist. Sometime after this, to , on the 5th of the Month called May last, this Assembly met, l altho' the Governor had received the Commands before menned, and altho' he is pleased to reproach us as if we had not been early in our Zeal as some of our Neighbours, he had not then so ich of his own to say one Syllable to us concerning it. During e Time of our then Sitting, Petitions were first presented to us mplaining of the Inlisting of Servants, and it was then under our nsideration whether our Application to the Governor in relation this Affair might be of Benefit to the Petitioners and others or t.

"And as we were well informed, the Governor then did not seem be determined in his own Judgment concerning the Legality of listing Servants, altho' his Judgment then, as now, rather preponderated in favour of it, and that he said He had not then reived full Instructions from the Crown, nor knew how far he might e concerned in it; the Assembly thought it not prudent to Address n that Occasion, lest it might weaken the Proclamation he had ublished, as is before mentioned, and thereupon they then came to e following Resolve, with which the Governor must no doubt be ng since acquainted:

"'Resolved, That the King's General Invitation to such of His bjects here as are inclined to inlist themselves, ought not (in our inion) to be understood to give Power to inlist Servants without e Assent of their Masters; But forasmuch as the Laws now in ng have, as we conceive, provided sufficient Remedies for those o are or may be injured in their Properties, the Petitioners and h who may think themselves aggrieved in this Respect, are renmended to the Methods they may be advised to by their Council obtain Redress.'

"The Governor's Proclamation, with this Resolve, we hoped might ve discouraged the future inlisting of Servants, but in this we

own ourselves to have been mistaken, for the Governor's Opinion preponderating in favour of the Practice, and the great Encouragement he hath since from time to time given to it, has, notwithstanding what we expected, occasioned a Continuance of the Inlisting of Servants, now justly complained of as a heavy Grievance. At our last Meeting our Sentiments of this Matter were much the same as they now are, and the principal Difficulty in preparing the Bill then before us was what is the principal Obstacle now in our way to give money to the Crown, viz., to find an Expedient for preventing the Exportation, and providing for the Return of so great a Number of Servants to their Masters.

"How, after what we have before related, it should be supposed we were wanting in any necessary Application to the Governor, or in our Endeavors to remedy so heavy a Calamity, or that the Governor would have relieved us if timely application had been made to him, when it's so notorious that he hath been the chief Occasion of it, we must submit to those whose Right it is to determine. If what the Governor informs us be true, we do not see how it was in his Power to have relieved us if application had been made ever so timely, for by his Construction of the King's Commands he was to raise the greatest Number of Men that he possibly could, and if it was lawful to inlist Servants, let what Number of Freemen soever present, Servants might be an Addition to that Number, and consequently ought to be taken, and that this, in the Governor's Opinion, must be right, is plain, because he tells us in his last Message that he gave Directions to the Captains to inlist none but Freemen, and yet it is notorious that they have since inlisted Servants, and the Governor tells us it is not in his Power to discharge them. He does indeed inform us that to all who have applied to him for a Discharge he hath given Notes directed to the Officers, desiring them to discharge such Servants, if they can be persuaded to return to their Masters, and it can be done consistent with the Service, and that as many of them have from thence been discharged here, so the Discharge of some has been procured by him from other Governments.

"That the Governor may have given such Notes, and that it may have been attended with the Effect he is pleased to mention, we believe to be true, but do these Notes contain any thing more authoritative than if sent from any other person in the Government? It must be confess'd, as they came from a Person in his high Station, those Notes might be more likely to influence than from a Person in a private Character; but otherwise, as they are conditional, it's left at the Pleasure of either the Officer or the Servant to frustrate the Effect of them.

"Besides, it seems exceeding difficult to us, if the Governor really understands the Commands of the Crown and the Duke of Newcastle's Letter, to enjoign him to raise as many Men as he possibly

can, without any Limitation, and that he has no Power to discharge any of them, how he will be able to reconcil this with the Power he places in the Captains he has appointed to do an Act he himself cannot; for if the Captains should fill up their Companies on any such Discharge, still the Servants discharged might augment the Number of Soldiers for the King's Service, and from his own Reasoning ought not to be discharged.

"The Number of Captains or Companies can be no Objection, for as the Number of Captains appointed by the Governor are already double the Number of Commissions sent, he may by the same Reason give Warrants to as many more as he shall think fitt, without any Regard had to the Circumstances of the Province.

"The whole of this Reasoning is intended to show that the Governor's contending for a literal Execution of the Commands of the Crown would be attended with Inconveniences, and therefore ought to have a reasonable Construction, and that the Number of Men should be limited in proportion to our Circumstances and the Practice of the neighbouring Colonies. The Province of New-Jersey hath, we are credibly inform'd, but two Commissions. Four Commissions, which is double their Number, we are informed are sent for this Province and the Counties; of which, allowing One only for the three Lower Counties, it demonstrates Three Hundred Men was the greatest Number expected from hence, and, as we suppose, there is at least that Number of Freemen already inlisted, we can see no Reason why the Province should be so distressed, and the Ruin of so many Families endangered by the detaining of Servants.

"In Excuse for the taking and enlisting of Servants, the Governor is pleased to let us know the Officers inform'd him that they did not receive Servants untill they met them travelling on the Road to New York to inlist there.

"How many we are to understand by the word [them], in this Paragraph, is very uncertain; all the Servants, we presume, could not be intended (altho' the word as placed might bear that Construction), for that would be a great mistake; and if we do not understand it to mean all, how many, or whether the Officers did really meet any, we cannot say. It is not improbable but that after the Governor's first Encouragement to Servants to inlist, and his Proclamation after issued, which seemed to discharge it, some of those who entred their Names to serve the King might be met by the Officers running away from their Masters; this indeed gave the Officers an Opportunity and Right to stop them for the use of their Masters, but could give them no Authority to inlist them there rather than in any other Place or Circumstance; for if the inlisting of Servants be as we take it to be, unlawful, that Act of the Officers was only doing an Injury to the Masters to prevent it being done by others; And even where it admitted to give a Right to

inlist those they found strolling, to conclude they therefore had a Right to inlist all others, whether strolling or not, is a Consequence not deducible from any Rules of argument we are acquainted with. It had, we presume, been much to the advantage of the Inhabitants of this Province, the Servants had all escaped to New York; for, from the Regard both Magistrates and Officers have there shown to Justice, they might, if we are rightly informed, with their Assistance, have obtained the Servants again; but here there is little Room for the Masters to expect it from the Governor whilst his Opinion preponderates in favour of those Lawyers (if any such there be) who hold the Inlisting of bought Servants lawful.

"Whatever Regard we might have for the Governor's Opinion in other Cases, it must receive some Allay in the present Case. Early Propossessions, and Conduct in pursuance of it, must be allowed to make strong Impressions in the Mind, as are not easy to be radicated.

"The Case of Felons transported by Acts of Parliament may differ from Apprentices and Servants in some Things; Felons are bound to serve by the Justices where they are convicted for such a Term of years as the Act directs; other Servants are obliged to serve for no longer time than they contract; but both are equally the Property of their Masters during the Time they have to serve (as we are informed), if an Act of Parliament can make them so. But the Law is the proper Standard by which this is to be determined, if so great a Calamity cannot be otherwise avoided, and the Masters think it worth their while to try it. We own they have not hitherto met with any great Encouragement to do so, when the Conduct of a Master for asserting his Right to his Servant underwent a publick Examination by the Governor's Directions, as if he had been guilty of some heinous Offence, and the Depositions threatened to be laid before a Secretary of State, as if some mighty Opposition had been given to the Execution of the King's Commands.

"We do not search after Things foreign to the Subject under Consideration, though we conceive we might be warranted by the Governor's Example, why otherwise among the many Faults he is pleased to heap upon us, should he charge us with the Act relating to Importations of Felons and Convicts, past many years ago, when very few of the present Assembly were Members? If there be any Fault in passing this Act, we do not see how the Governor can wholly excuse himself, for that since his Coming amongst us an Act appointing an Officer to execute the said Act relating to Convicts received his Approbation; And a Bill to repeal those Acts and make them agreeable to the Mind of the Lords of Trade past this Assembly, and might have had his Assent if he thought it fitting.

"We do not know how the Governor may be provided to shew

there is such a Ballance due, and to become due, to the Prov-
, as he supposes; but to demonstrate our great Abilities on the
ent Occasion, it would be necessary to prove much paid as well
uch due; and in this he might find more Difficulty. The
tioning the Sums payable to the Proprietors was not intended
ry any Reflection on them; But as the Act could not have
obtained without such Payments as are expressed in the Act,
n Exception made which would have affected the Credit of our
ey, we thought ourselves warranted to use Expressions we did.

When we have wanted an addition of Paper-Money, it may be
, the Province has been represented populous, and our Trade
; and we do not know that upon any Occasion we have en-
oured to diminish our Numbers; we were unwilling indeed to
the World suppose we were very rich, for that would be a
ake, of which no stronger Proof need be given that the great
ber of Borrowers which appear for the Paper-Money when
ted.

We have most of us lived many years in this place, and some
have seen a considerable Part of the Neighbouring Colonies,
we are ready to think that without going further than New-
, double the wealth of what is contain'd in our's may be found,
of Consequence they must be much more able to contribute to
Undertaking which required money than we; But when the
rnor, from a few years acquaintance, and, for aught we have
ed, no great Knowledge of the Continent, can venture to affirm
ely, it may not perhaps become us to say more than that as
re the Representatives of the Freemen of this Province, we
an equal Right to judge of our own abilities; and we differ
y from his Opinion.

It neither makes for our Purpose, nor are we desirous to mag-
the number of Servants Inlisted; but, on the contrary, we
d be very well pleased to lessen their Numbers by any just
s in our Power; altho' we can see no Reason why this should
ne by giving a Bounty to such Freemen who have inlisted, or
be willing to inlist, when, in our Opinion, a sufficient Number
eemen, in proportion to the Abilities of the inhabitants of this
nce, if not too many, are inlisted already.

The Names of Persons being inlisted, the Governor tells us,
by his Order and Consent of Council, kept secret for justifi-
reasons, and, Amongst others, to prevent their being arrested
ifling Sums. The Words [amongst others] may include the
ance we complained of, for ought we know; but whether it
not, if it will be of use to the Governor, we suppose, not-
tanding his Defiance, we might be able to give him more than
nstance of Master's being treated with an unbecoming Se-
, but shall at present deferr it, and leave the Governor to
n who those Masters are that have shewn so litle Regard to

Names of the highest Dignity; If it be any of our Number, let them be brought to Justice; If it be not, why are we to be charged with the Faults of others?

That the Assembly might make some allowance to Masters who lost their Servants about the Time of the Canada Expedition, may be true, we suppose, but that it was besides the Two Thousand Pounds then given to the Crown we think is a Mistake, it being paid out of the Two Thousand Pounds then raised, and it was not paid for Servants being inlisted within our Province, but in some Neighbouring Governments. The Number inlisted were but few, and therefore might have been paid without great Difficulty, but to pay for so many as are unjustly taken in this Province, especially since there are a sufficient Number of Freemen besides, is no parallell Case, and must be a much greater Debt.

We hope we shall never be wanting on any Occasion by Actions as well as Words, so far as may be consistent with our Religious Principles, to shew our Gratitude to our King for the Privileges our Society, with others, enjoy in this Province, whatever the Governor is pleased to say to the Contrary. That the Principles of our Society were inconsistent with Government, has been a Calumny often hereto objected against us by some of our most envious Adversaries; but since the Charge is without any Foundation, and our peaceable Demeanor has entitled us to a more favourable Opinion under the present and some former Governments, it seems hard to have a Charge of that Nature revived against us by one from whom we rather thought our selves entitled to Protection and Relief; And how well the Governor will be able to acquit himself in point of Gratitude to those under whom he holds his present Dignity (some of whom bear the same Name we do) we must leave to them and to him to determine.

This Province hath subsisted under the Government and Directions of Men of the same Principles with us many years before the Governor had any thing to do with it, and may, we think, subsist for many years to come, unless some such-like Misrepresentations as his own should prevail against us, Tho' some Governors there have been as uneasy and as willing and ready to find Fault and suggest Dangers as himself.

To charge us with soliciting for our present Station, and to insinuate that we have not discharged it with Honour—that we have applied ourselves to obtain an uncommon Majority in this Assembly—that we have attacked the Rights of the Corporation, employed Emissaries to promote Petitions, or whatever the Governor has pleased, without any Grounds, to accuse us of—his Attempts to divide us from our Friends in England and the other Inhabitants of this Province with whom we have generally lived in Peace and Good Will, carry evident Demonstration what Share we have in his Affection, and what we may expect from his Government; but it

ll our Message, already long, to take that Notice of them erwise they might justly deserve.

nclude, We have been and yet are ready and willing to te our Loyalty and Fidelity, by giving such a Sum of the Crown as may be a full proportion to what is given eighbouring Colonies, Provided the Servants so unjustly detained from their Masters be returned; and if this be o Consequence must lie at the Governor's Door; and we k it our Duty, on behalf of the great Number of Freemen ovince who are injured by the Detaining of their Servants, umble suit to the Crown in their Behalf, for that Redress nied by the Governor; and we make no Doubt, however ıe may treat us, we shall be considered as the Represen- the Freemen of this Province, and obtain Justice to those Behalf we apply, without being censured for a Behaviour rent to that Spirit of Christianity we profess.

"Signed by Order of the House.

"J. KINSEY, Speaker."

e Resolve of the House of the 9th instant, as follows:

"In Assembly, the 9th of the 6th Month, 1740.

ved,

a Warrant do issue, to be signed by the Speaker, directed asurer, That he pay the Sum of Three Thousand Pounds, oney of this Province, to Thomas Griffitts, Edward Brad- Stamper, Isaac Norris, and Thomas Leech, for the use of nt Sovereign King George the Second, to be disposed of such use or uses as He shall be pleased to appoint: Pro- ıys, That no such Warrant do issue from the Speaker un- Servants now inlisted in the King's Service within this be returned to their respective Masters free of all Charges, Assurances given to the said Thomas Griffitts, Edward ſohn Stamper, Isaac Norris, and Thomas Leech, as they ee of them shall think fitting, that the said Servants are ed, and that no more Servants be inlisted or taken from ters for the future: Provided also, That if the King shall ny Directions concerning the Application or Disposal of Money in the Space of nine Months, that then the said riffitts, Edward Bradley, John Stamper, Isaac Norris, and eech, do account for and pay the Money remaining in their the Treasurer of this Province, to be disposed of in such the Assembly of this Province shall think fitt.

"A true Copy from the Minutes.

"B. FRANKLIN, Cl. Assemb."

being Moved that a Representation made by several Mem-

bers of the Board to the Assembly the eighth day of this Instant, be inserted in the Minutes of this Board,

Ordered to be Entered accordingly; And is as follows:

"That it is with great Concern we observe there is not so ready a Disposition in your House to comply with His Majesty's Instructions to furnish Provisions, Transports, and other Necessaries for the Troops raised here for His Service, as the Duty we owe to Him and the Importance of the Affair require.

"The present War with Spain is founded on Principles of Right and Justice, to obtain Satisfaction for great Injuries done, and secure our Commerce in the West Indies, which, if attended with Success equal to the Goodness of the Design, will not only be of advantage to all His Majesty's Subjects in General, but in a particular Manner to the Inhabitants of this Province, who carry on a considerable Trade to those Parts of the World.

"The Peace, Plenty, and Liberty that we have enjoy'd under His Majesty's mild and gracious Administration has for many years past drawn great Numbers of People hither from divers parts of the World, and thereby enabled us to become Serviceable to our Mother Country when our Assistance is required. The ready Inlisting Eight Hundred Men in the Province and Counties shews the good Inclination of the People toward the present Service, and therefore we hope it will receive suitable Encouragement from those concern'd in the Government, and all true Lovers of their King and Country.

"It is now more than Twenty years since any Provincial Tax has been paid by the Inhabitants for the Support of this Government, the Expence of which during that Time has been raised by our Paper-Money and Excise Acts, and therefore is wholly owing to His Majesty's Royal Bounty and Favour. From these funds we have now so large a Sum in Hand that it is to be hoped, under the present prudent Management, it will defray all the Expences necessary on this Occasion. But if upon Examination it be found insufficient, we are firmly perswaded the Loyalty of His Majesty's Subject's in this Province is such that they will, with the utmost chearfulness, contribute to raise that Remainder by a publick Tax.

"In these Circumstances we intreat you to consider whether refusing to comply with the Royal Instructions will not be construed a Contempt of His Majesty and the British Nation, a design to frustrate this important Expedition and encourage the common Enemy, and thereby draw on us the just Indignation of His Majesty and the British Parliament, at the Peril of all the valuable Liberties and Privileges we enjoy.

This Representation we make to you in Obedience to the Royal Instructions, wherein we have the Honour to be named, and from our sincere Regard to the Publick Welfare, and submit it to your Consideration.

Council held at Philada., August 22th, 1740.

PRESENT:

Honble GEORGE THOMAS, Esqr., Lieut.Governor.

Preston,	Ralph Assheton,	Esquires.
y Palmer,	Samuel Hasell,	
t Plumsted,	Thomas Griffitts,	
ı Laurence,		

Minutes.

Governor laid before the Board a Message he had prepared House of Assembly; which being read, the Treasurer, Mr. , acknowledged he had not the Money mentioned in the As- s Resolve in his hands, but that the Speaker of the Assem- told him that he thought it the most regular way to draw ıe Treasurer, and that Care would be taken to supply the y out of the Loan Office; and the Message being approved, l, That the same be transcribed fair, in order to be sent to ıembly, which is as follows:

ntlemen:

long as I had the least Hope of your doing any Thing in ance with His Majesty's Instructions, I thought myself to do all in my power to perswade you to a just Sense of ıty, but since you sent me your final Resolve at your last , which to me appears an extraordinary one, for instead of the Money out of the Loan Office, it was ordered out of an Treasury, the Order for the Payment of it was not to issue n such Conditions as could not be complyed with by any in this government; and that you might be sure no part of ıey (even suppose the Conditions could have been complied ıould be applied to the Service of the present Expedition, re taken Care that your Trustees shall pay it to such uses His Majesty shall appoint; and as you well knew no Direc- om His Majesty could be had in Time for appointing that to the use of the Expedition, you used much the like Cau- prevent its coming into His Majesty's Hands for any other Resolving That if the King shall not give Directions con- the Application and Disposal of the said Money in the f Nine Months, that then your Trustees are to pay the remaining in their Hands to the Treasurer of this Province, for obtaining His Majesty's Orders to which no Merchant is even for the Negotiating a common Bill of Exchange be- ondon and America. But as you have not so much as men- ny Name, nor the Name of any other Person who might His Majesty with your Resolution, and procure His Direc- the Application or Disposal of that Money, It must there- ain as a Proof of your Zeal for His Majesty's Service, and

the great Regard you have shown for his Royal Instructions. I have, however, applied myself closely to making the necessary Provisions of Victuals and Transports for the Men raised here, that they may be ready to embark at the Time appointed; and though you have denied your Assistance, yet I have the Comfort to see other of His Majesty's loyal Subjects here not only express their Concern for your Mis-Conduct, lest the Expedition, so far as concerns this Province, should be retarded, but have generously offered to supply me with what was justly expected from you, and have agreed to trust to His Majesty's Justice for their being repaid. I must not, however, for the sake of Truth and my own Honour (though your sudden Adjournment without my Consent, and against my Instances, prevented me at your last Sitting), let your Message of the Eighth Instant pass unobserved.

"If any Judgment is to be form'd of the Tempers and Dispositions of Men by their Writings, I fear the World will not entertain a very favourable Opinion of yours. In one Message you say, The Governor is pleased to assume to himself; In the last, When he might with equal Truth say any thing he pleases, If what the Governor informs us be true, Those Lawyers (if any such there be)—A Calumny often heretofore objected, If the Governor can venture to affirm so freely, Some such like Misrepresentations as his own, &c. These are but a few of your Civilities; many more may be Collected out of this and other Messages, since you were urged by me to make a Provision for the Defence of the Province, for that was the Foundation of all your Opposition and Dislike to me. But as I have carefully avoided an Imitation of your Language hitherto, I hope no Provocation will ever induce me to return such to the Representatives of the People, or even to the meanest Inhabitant of the Province.

"You are pleased to say, That the Scarcity of Labour, occasioned by enlisting Servants, and the Necessity of your Speaker's Absence, were the principal Motives for your adjournment; and that these are omitted in the Reasons by me enumerated. Revise that Message, and you will be convinced that there is no mention made in it of the Scarcity of Labour by inlisting Servants. As for the necessity of your Speaker's Absence that could be no good Reason for Adjourning, when a Matter which so nearly concerned the King's Service lay before you, since you might have proceeded to the Choice of another, if the Bill in which you said you had made a considerable Progress could not have been finished in Time; for it would be thought no compliment to your House to suppose that there are not many Members in it fit to supply his Absence from the Chair. As a Probability of a peace was a Conclusion drawn in your House, as I was informed by a grave Member of it of the same persuasion with the present Majority, from a Report that the Duke of Argyle had laid down his places, and that Lord Cathcart had [illegible]

. of the Forces designed for the Expedition, it was truly
e that the Rumour of a probability of a peace was in your
ly, and that no one else heard any Thing of it.

any Acts of Parliaments, or Acts of the Assembly of this
prohibited the receiving Servants or Apprentices, not
ed for Felony, into the King's Service, I presume I should
1 made acquainted with them before this Time by the Per-
s Duty it was so to do, after Application made to him by
at purpose. As none such have been produced, I freely
ou that it did not appear reasonable to me that I should
1 me to determine that a Contract betwixt two Subjects
ive one a Property (as you are pleased to call it) in the
as to destroy the King's Right of receiving such into his
s shall voluntarily offer themselves in a necessary War
reservation of the Rights, Trade, and Navigation of His
in general; and, therefore, I could not take upon me to
Officers positive Orders to discharge Servants after they
ed themselves, taken the Oath's before the Magistrates,
red the King's Subsistence for some Weeks, before any
n was made to me about them; but I chose rather to fol-
xample of your House, and to leave the Point to be deter-
Law, lest I should betray His Majesty's Right. How-
this was my Opinion, I gave the Officers, with their War-
ections to receive none but Freemen, out of Regard to the
f the Inhabitants, in Hopes that the Companies might
compleated with such, by a timely Encouragement from
ibly; and I have since done all that could be done, con-
h the Good of the Service, for the Discharge of Servants.

on as I received His Majesty's Commands to communicate
s of his Instructions as related to the Assembly, I recom-
ie giving a Bounty, after the Examples of other Provinces,
ige Freemen to inlist; and there was not one man inlisted
s publickly known That you could not chearfully accede
ig's Measures, or appropriate Money to the Uses recom-
1 my Speech, which was in the very Words of His Majes-
actions.

reatment I have received from you ever since the Defence
vince was recommended to you, was a sufficient Warning
to propose any Thing of the like kind to an Assembly
against Arms, without His Majesty's express Commands.

vithstanding your Assertion to the contrary, I am well
that Servants have been received and detained in some
and that they were not returned in others till the As-
d given Encouragement to Freemen to inlist.

are pleased to charge me with giving Encouragement to
o inlist, knowing them to be such; and for this, I am told,
en tried and condemned by a Committee of your House.

Where you had this Information I shall not trouble myself to inquire, since a great Number of Gentlemen, whose zeal for the King's service engaged them to accompany me the whole afternoon on which the Proclamation was made, will be so just as to give evidence of a quite contrary Behaviour, when it shall be thought necessary to call upon them; And if thro' any Familiarity or Condescension of mine, His Majesty's Subjects have been induced so chearfully to inlist, I have Confidence that it will be rather an Honour than a Reproach to me, with all such as have any Concern for the Success of His Majesty's Arms or the Interests of the British Nation.

"I am sorry to find that to use His Majesty's Name indecently, to caluminate me, and to treat the Magistracy with Contempt, is the Road to your Favour, or the Means to engage you to advocate the Cause of such as have been guilty of these things, or that it should be thought blame-worthy in me, after Information received, to call upon the principal Magistrates of the City, to make a proper Enquiry into the Matter, in the Presence of the Person charged, without taking any other Part in it myself. But I find the most impartial Behaviour may be misunderstood. Whatever Light, however, you may see this Matter in, One of the Parties was so conscious of his having done amiss, that both he and his Father (by a Gentlemen sent on Purpose) desired they might have Liberty to wait upon me, and that I would receive the Son's Submission. To which I answered, That he and some others had made Scandal so familiar to me, that I had learn'd to disregard it; but as to what related to His Majesty, the Duty of my Station would not allow me to pass it over.

"As Acts preventing the importation of Felons had been in Force many years before I came to the Government, and it was not in my Power alone to repeal them, I never expected to have been made accessary to them by joining in the Appointment of an Officer which those Acts had made necessary. But you are pleased to say That a Bill passed the Assembly to repeal those Acts, and might have had my assent if I had thought it fitting, tho' you very well know that I return'd the Bill to you with only a few small amendments, to make it consistent with itself, and that you have declined the Consideration of those Amendments, tho' it appears by your own Minutes that a Day was appointed for that Purpose, or to make any farther Application to me on that Bill. Is this dealing ingeniously by me, or those that will be at the trouble of Reading your Message?

"Every one that knows the present Circumstances of this Province must read with surprize your Description of the Calamities it labours under from the inlisting some Servants, since it is universally allowed that it never produced a greater Harvest, or that it was ever better got in; that your Trade never was in a more flour-

ishing Condition, and that the War has been so far from doing you any Injury that it has been a Means to raise the Price of your Produce at Foreign Markets, and has advanced the Value of your Money by lowering the Rate of Exchange here; that altho' you have a considerable Sum in Bank you have not paid any Thing towards the Charge of the War, whilst Great Britain has granted Four Millions to His Majesty for carrying it on, notwithstanding the Load of Debt it labours under, and has suffered in its Trade and otherwise, tho' the wisest Precautions have been taken to prevent it.

"As for what you call Reasoning, I shall content myself with leaving that to be judged of by all that have common Sense or the least Degree of Impartiality.

"If your Principles will not allow you to pass a Bill for Establishing a Militia, if they will not allow you to secure the Navigation of the River by Building a Fort, if they will not allow you to provide Arms for the Defence of the Inhabitants, if they will not allow you to raise Men for His Majesty's Service, and on His Majesty's affectionate Application to you for distressing an insolent Enemy if they will not allow you to raise and appropriate Money to the uses recommended by His Majesty, is it a Calumny to say That your Principles are inconsistent with the Ends of Government at a Time when His Majesty is obliged to have Recourse to Arms, not only to protect the Trade of Great Britain and its Dominions, but likewise to obtain Redress for the Injuries done to His Subjects?

"Whatever Name some of your Proprietors bear, they have truly the Honour of His Majesty and the British Nation as well as the Interest of this Province at Heart, and, therefore, instructed me long since to use my Endeavours with the Assembly to provide for its Defence; and tho' the Majority of your House oppose all these Things, I know there are some few of the same religious Perswasion in it, and many out of it, who dislike all your Proceedings.

"It is not I that have attempted to divide you from your Friends in England, indeed your own Actions may do it; you have likewise divided yourselves from many of the Inhabitants here by Consultations, and by exerting yourselves in Consequence of them, publickly and avowedly, to obtain an uncommon Majority in this Assembly to oppose my Endeavours for the Security of this Part of His Majesty's Dominions. This is a fact so notorious that every Man that knows any Thing of what passes in the Province knows it; and that the Counsel of such, even of your own Persuasion, was despised, who warned you of the ill Consequences that would attend it, and advised you not to interrupt that Harmony which had subsisted for many years betwixt the People of the different religious Societies here, reminding you at the same time of the Inconveniences which had attended such Distinctions formerly.

... will shew the rest.

... now be discharged, even supposing I had a ... out evident Danger of a Mutiny, and breaking ... mpanies raised in this Government, I shall wil- ... Conduct and the Proceedings of your House to ... I am glad, however (tho' it be with a View of ... Blame upon me), to find that your House, who, upon ... July last could not preserve good Consciences and ... Levying of Money and appropriating it to the uses ... you in my Speech, because it is repugnant to the ... ples professed by the greater Number of the pre- ... who are of the People called Quakers, can now fix ... Three Hundred to be a sufficient Proportion of Men ... : And that upon Condition the Servants are dis- ... are willing to give such a Sum of Money to the ... be a fit Proportion to what is given by the neigh- ... ves. And I hope, after this Declaration, you will not ... wingly mistake you when I understand the Money ... same uses. The making my Conduct, however, a ... refusing to comply with His Majesty's Instructions, ... ked upon as an Instance of Zeal in you; but as I am ... Apprehensions about that, I am far from being intimi- ... Representation you can make, and shall proceed with ... discharge the Trust reposed in me.

"GEO. THOMAS.

... 26th, 1740.

... and.

... Baird, Secretary."

... then laid before the Board a Letter or Application ... Officers of the Seven Companys of His Majesty's ... this Government, in Pursuance of His Majesty's ... which was read, and is as follows, viz^{t}:

... GEORGE THOMAS, Esqr., Lieutenant of the ... Pennsylvania and of the Counties of Newcastle, ... on Delaware.

... have had the Honour to receive His Majesty's ... Warrants from your Honour for inlisting of Men ... of Pennsylv^{a} as well as the British Officers ... Majesty, Humbly beg leave to

... companies of foot Soldiers have been regularly in- ... Governm^{t} and have been continued in His ... several Weeks, and great pains hath been taken ... Soldiers, insomuch that they have made a con- ... the Exercise, but are greatly discouraged by

the late accounts which have been brought into the Country by the Gentlemen who are Members of the Assembly, and who give out that they do not doubt but that all the Indentured Servants or Apprentices inlisted in the said Companies within this Province will soon be disbanded; for that the Assembly, by some proceedings of their House, have laid the Governor under a Necessity of discharging all the said Servants or Apprentices, and to oblige those concerned to return them to their respective Owners without charge, and to the Satisfaction of the Persons nominated by the Assembly for that purpose; an Injunction which, were it legal in itself, and that the officers had it really in their power to discharge those Persons, which they humbly insist they have not, yet it is next to impossible to be performed by the Officers, who neither have the means of delivering them to their Masters, nor know the several places of the dwellings of the Masters of those Servants or Apprentices, who are said to live in remote and different places of this Province, and some out of the Province, and besides many are called Servants who utterly deny themselves to be so.

"Under these Apprehensions, The Troops under our Command are ndered exceedingly uneasy, even so as publickly to declare that ey will never suffer themselves to be seperated, and rather than e exposed to the inhumane usage of the Masters of some of them, d the Creditors of others for small Debts, they will go into some her Government where they hope to be better used and protected His Majesty's Service. This uneasiness among the Soldiers has ndred the Duty of the Officers extremely burthensome, and may, the end, have a bad Effect upon the Soldiers themselves; and e humbly beg leave to say further, that we are of Opinion that ese Soldiers, whether they be indented Servants or Apprentices, Freemen who came Voluntarily to the Officers and inlisted themlves and took the Oath before a Magistrate, as prescrib'd by Act Parliament, and have since received near two Months' Subsistence, cannot be legally discharged without the Command of the olonel of the Regiment.

"And we further beg leave to represent to your Honour, that om the behaviour of some in this Province (from whom we thought e had reason to expect a ready compliance with His Majesty's structions and a peaceable disposition towards ourselves and the oldiers), We find it extremely difficult to retain the Men in their uty, and without the utmost care to prevent their returning the sults and Reproaches they meet with from those who by their nduct plainly shew they are not Friends to the present Glorious xpedition.

"Wherefore, We humbly pray that your Honour will be pleased signifie to us whether you judge it proper or intend to discharge y of the Soldiers now under our Command, that we may govern rselves accordingly, and without loss of Time make a just and l Representation of our Case to our Superior Officers.

"But if your Honour shall determine to leave such as pretend to have suffered loss by any Illegal act of Ours, by Inlisting Indented Servants or Apprentices, to seek their Remedy at Law, We shall always be ready to answer any suit they may think fit to commence against us while we remain within this Province; and in the mean Time we pray that we may have your Honour's Countenance, and to avoid Tumults and Disorders of all kinds That we may have the Protection of the Civil Magistrate, in common with the rest of our fellow Subjects within this Province, while we continue in our Duty to our King and Country. We are,

"Sir,

"Your most Obedient Serv^{ts}

Ensigns.	*Second Lieuts.*
Enos Dexter,	John Clifford,
Edw^{d}. Harrison,	Robert Spicer,
Rich^{d}. Cager,	Henry Hodge,
Geo. Barr,	Ja. Sandilands,
Peter Grung,	Antho. Palmer,
Vin^{t}. Marshall,	Thomas Beckeley,
Cha. Mathew.	James Forster.
First Lieuts.	*Captains.*
Arch^{d}. Graham,	Arch^{d}. Gordon,
S^{t}. John Leader,	Tho^{s}. Freame,
Will^{m}. Mills.	Will. McKnight,
	Thomas Lawrie,
Rich^{d}. Geo. De la Vallee, Adj^{t}.	William Thinn,
	Rob^{t}. Bishop,
	Thomas Clarke.

And the foregoing Letter being duly considered, It is the Opinion of this Board,

That the discharging the Soldiers inlisted in this Province to serve His Majesty (whether Freemen or Servants) may be of dangerous Consequence to the publick Peace, and cause Mutinies, Tumults, and Disorders, not easily to be supress'd under our present Weak and Defenceless Constitution and Government, and that it would be a great Disregard of His Majesty's Royal Instructions and of the British Counsels, and a publick Encouragement to the Enemies of the Nation;

That all His Majesty's Subjects (not restrained by act of parliament) have, as We conceive, a Right to inlist themselves in the Defence of His Majesty's Person and Government, and for the Security of the Trade and Navigation of the British Nation; And

That the inlisting of bought Servants is not such a Grievance as hath been represented, many of them having so short a time to serve that the loss to the Masters will amply be made up by their

ation of the Freedom Dues required by Act of Assembly to be
en by the Masters to such Servants as serve out the time of their
dentures; And that as at a moderate Computation we conceive
t less than Sixty thousand People have been imported into this
ovince within twenty years; the Number of Men raised here may
y well be spared without Injury to it, and the loss suffered by
e Masters easily repaired by a reasonable allowance out of the
blick Money, which we conceive is capable both to defray that
pence and to make the Provision expected by His Majesty.

Mr. Preston then laid before the Board accounts exhibited to him
Doctor Grœme, Nicholas Scull, and Mary Osborne, against the
ovince, which are referred to the Examination of Ralph Asshe-
, Samuel Hasell, and Thomas Griffitts, Esq^rs and for them to
port thereupon.

At a Council held at Philada., August 27th, 1740.

PRESENT:

The Hpnble GEORGE THOMAS, Esqr., Lieutenant Governor.

hony Palmer, Ralph Assheton,
nent Plumsted, Samuel Hasell, } Esqrs.
mas Laurence, Thomas Griffitts,

he Minutes of the preceeding Council being read and approved,
he Gentlemen to whose Consideration were referred the Ac-
nts exhibited by Doctor Grœme, Nicholas Scull, and Mary Os-
e, reported that they had examined the said Accounts and
v'd the Charges to be just.

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t a Council held at Philada., Octo^r 3d, 1740.

PRESENT:

ie Honourable GEORGE THOMAS, Esq., Lieutenant Gov-
r.

uel Preston, Clement Plumsted,
uel Hasell, Thomas Griffitts, } Esqrs.

ie Governor laid before the Board the several Returns of Elec-
for the Year ensuing; and having nominated the Persons to
heriffs and Coroners agreeable to the said Returns, and no Ob-
ons being made thereto—

dered,

at Commissions be made out to Septimus Robinson, Esq^r as
iff, & Owen Owen, Gent., as Coroner of the City and County
hilada.; to Benjamin Davis as Sheriff, and Awbrey Bevan as
ner of the County of Chester; to Joseph Jackson as Sheriff,

and William Atkinson as Coroner of the County of Bucks; and to Robert Buchanan as Sheriff, and Joshua Lowe as Coroner of the County of Lancaster.

The Governor also Ordered that Commissions be made out to John Gooding as Sheriff, and Henry Gonn as Coroner of the County of Newcastle; to Samuel Robisson as Sheriff, and Richard James as Coroner of the County of Kent; and to Cornelius Willbank as Sheriff, and John Wynkoop as Coroner of the County of Sussex.

At a Council held at Philada, Octo^r 15, 1740.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut. Governor.

Thomas Laurence and Thomas Griffitts, Esqrs.

The Representatives of the ffreeman Chosen to serve in Assembly this Year waited on the Governor at the Time by him appointed, and John Kinsey, Esq^r informed the Governor that the Members had met pursuant to the Law and Charter and had chosen him for their Speaker, the Duty of which Office, he said, he would endeavour to execute to the best of his Judgment; and, as is usual, Pray'd the Governor that the House, or Members thereof, might have free Access to the Gov^r Person upon all Proper Occasions when the public Good required it; That he would be pleased to put a favourable Construction upon their proceedings, and not give ear to any Reports concerning them or their Debates till the same came into Resolves; That they might enjoy full freedom of Speech and Debate in their House; That the Members Persons might be free from arrest during their Sessions; And that the Governor would be pleased to Excuse any involuntary Errors or Mistakes which he as Speaker might make in the Exercise of his Duty.

To which the Governor reply'd:

That as he never intended to invade any of the just Priviledges of the Assembly, so he hoped their House would not Assume or Claim any other Privileges than such as justly pertained to them.

At a Council held at Philada., Jan^y 5th, 1740–1.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut. Governor.

Samuel Hasell and Thomas Griffitts, Esqrs.

The Governor laid before the Members Present an Additional

Instruction from their Excellencys the Lords Justices; which was read, and is as follows, viz^{t}:

"By the Lords Justices.

"To. Cant Wilmington, P. Hervy, C. P. S. Dorset, Grafton Richmond Lenox, & Aubigney Bolton.

"Additional Instruction to George Thomas, Esq^{r} Deputy Governor of his Majesty's Province of Pennsylvania, in America, Or to the Commander-in-Chief of His Majesty's said [L. S.] Province for the Time being. Given at Whitehall, the twenty-first Day of August, 1740, in the fourteenth Year of his Majesty's Reign.

"Whereas an Act of Parliament was passed in the sixth Year of her late Majesty Queen Anne, Entitled An Act for ascertaining the Rates of foreign Coins in her Majestie's Plantations in America: And Whereas Complaints have been made that the said Act has not been observed as it ought to have been in many of his Majesty's Colonies and Plantations in America, by Means whereof many indirect Practices have grown up, and various and illegal Currencies have been introduced in several of the said Colonies and Plantations, contrary to the true intent and meaning of the said Act, and to the Prejudice of the Trade of his Majistie's Subjects, In Consequence of which Complaints an Humble Address was presented the last Sessions by the House of Commons to his Majesty, 'That he would be graciously pleased to require and Command the respective Governors of his Colonies and Plantations in America effectually to observe the said Act of the sixth of Queen Ann.' It is, therefore, his Majistie's Royal will and Pleasure, And you are hereby strictly required and commanded to take the most effectual Care for the future that the said Act be punctually and bona fide observed and put in Execution according to the true intent and Meaning thereof. And to the end that His Majesty's Commands herein may be fully made known to all his Subjects within your Government, and that none of them may Pretend Ignorance thereof, You are hereby further required and commanded to Publish this Instruction in such Manner as may best Answer his Majesty's Gracious Intentions herein signified.

"And Whereas many and great Inconveniences have arisen in some of his Majestie's Colonies and Plantations in America by passing Laws for striking Bills of Credit and issuing out the same in Lieu of Money, making it Obligatory on all Persons to take such Bills in payment of Debts, Dues, & Demands, whereby the good intention of the aforementioned Act of the sixth of her late Majesty Queen Anne for ascertaining the Rates of Foreign Coins in her Majesty's Plantations in America has been frustrated, and a great Discouragement has been brought on the Commerce of this Kingdom by occasioning a Confusion in Dealings and a lessning of Credit

in those parts: And Whereas an Humble Address was presented the last Session by the House of Commons to his Majesty to the Effect following, Vizt:

"That he would be graciously pleased to require and Command the respective Governors of His Colonies and Plantations in America not to give assent to or pass any Act whereby Bills of Credit may be struck or Issued in lieu of Money, without a Clause be inserted in such Act declaring that the same shall not take effect until the said Act shall be approved by his Majesty. It is, therefore, his Majesty's will and pleasure, and you are hereby required upon Pain of his Majtys highest Displeasure, not to give your assent to or pass any Act whereby Bills of Credit may be issued in lieu of Money, without a Clause be inserted in such Act declaring that the same shall not take Effect until the said Act shall be approved by his Majesty, his Heirs or Successors J. C. W. P. H C. P S. D B."

As also two Letters from the Right Honble the Lords Commrs for Trade & Plantations, Dated the 20th & 21st of May last, both which were Read as follows, Vizt:

"Whitehall, May the 20th, 1740.

"Sir:

"In pursuance of an Address of the House of Commons to his Majesty, on the 25 April, 1740, and of his Majesty's Commands signified to us by his Grace the Duke of Newcastle, in his Letter Dated 30th April, You are imediately to prepare, and as soon as possible transmit to Us, in order to be laid before the House of Commons at their next Meeting, An account of the Tenor and amount of the Bills of Credit which have been created & issued in Your Government that are now outstanding, with the respective Times when such Bills so outstanding were issued, with the amount of the said Bills in Money of Great Britain, both at the Time such Bills were issued and at the Time of preparing Your account.

"You are likewise to send therewith Your Opinion what will be the most easy & Effectual Manner of sinking and discharging all such Bills of Credit with the least prejudice to the Inhabitants of Your Governmt and interruption of the Commerce of this Kingdom.

"And We desire You will Use all possible dispatch in this Matter, that we may have Your Return early enough for Us to consider thereof before the beginning of the next Session. So we bid you heartily farewell, & are Your Loving ffriends and Humble Servants. Monson Edw. Ashe, R. Plumer, M. Bladen, Ja. Brudenell."

"Whitehall, May the 21st, 1740.

"Sr:

"His Majesty having, in Pursuance of an Address of the House of Commons in the last Session of Parliament, commanded us

prepare forthwith a Compleat Collection of all the Laws which have been made and are now in force in any of the British Colonies in America, we must desire You to prepare a Compleat Collection of the Laws in Your Government to this present Time, & transmit the same to us with all Convenient Expedition. So we bid you heartily farewell, and are Your very Loving ffriends & Humble Servants. Monson Edw. Ashe, Ja. Brudenell, R. Plumer, M. Bladen."

The Governor then laid before them a Draught of a Message which he had prepared to be sent to the Assembly, which being read was approved, and is as follows, Viz^{t}:

"His Honour, the Governor, in Council, to the Gentlemen of the Assembly.

"Gentlemen:

"You will observe by the additional Instruction which I have ordered to be laid before You, that their Excellencies the Lords Justices have signified to Me his Majestie's Commands 'That I do take effectual Care that the Act of Parliament, passed in the sixth Year of her late Majesty, Queen Anne, entituled An Act for ascertaining the Rates of foreign Coins in her Majestie's Plantations in America, be punctually and bona fide observed and put in Execution according to the true intent & meaning thereof. And that whereas many and great Inconveniencies have arisen in some of his Majestie's Colonies & Plantations in America, by passing Laws for striking Bills of Credit and issuing out the same in lieu of Money, making it Obligatory on all persons to take such Bills in payment of Debts, dues, and Demands, whereby the aforementioned Act of the sixth of Queen Ann has been frustrated, and great discouragement has been brought on the Commerce of Great Britain by occasioning a Confusion in Dealings, and a lessening of Credit in these Parts, I am requested upon Pain of his Majesty's highest displeasure not to give my Assent to or pass any Act whereby Bills of Credit may be issued in Lieu of Money, without a Clause be inserted in such Act declaring that the same shall not take Effect until the said Act shall be approved by his Majesty, his Heirs or Successors.'

"The Right Honourable the Lords Commissioners for Trade and Plantations, by their Letter to me, dated the 20th of May last, which I have likewise sent you for your perusal, have required, in pursuance of an Address of the House of Commons to his Majesty, and of his Majesty's Commands, 'That I do immediately prepare, and as soon as possible transmit to them, in order to be laid before the House of Commons at their next Meeting, an Account of the Tenour and Amount of the Bills of Credit which have been created and issued in this Government that are now outstanding, with the respective Times when such Bills so outstanding were issued, with the Amount of the said Bills in Money of Great Britain, both at the Time such Bills were issued and at the Time of preparing my

account. I am, also, required send therewith my Opinion what will be the most easy & Effectual Manner of sinking and discharging all such Bills of Credit with the least Prejudice to the Inhabitants of this Government and interruption of the Commerce of Great Britain.'

"By their Lordship's Letter of the 21st of May last, I am further required, in pursuance of an address of the House of Commons, 'To prepare forthwith a Compleat Collection of all the Laws which have been made and are now in force in this Government to this present Time, and to transmit the same to them with all Convenient Expedition.'

"As their Lordship's Letters did not come to my Hands till the latter end of November, I have not returned an Answer to them, but as they will expect it from me by the first Conveyance from hence, and I think it just that you should have an Oppertunity of giving me your Sentiments in a Matter which so greatly concerns the Trade and Interests of this Province, so I cannot doubt but you will immediately prepare the accounts required, as well as lay before me your Opinion, which will be the most easy and effectual Manner of sinking and discharging your Bills of Credit agreeable to the ends proposed.

"A Transcript of the Laws of this Government will be a work of Time & Expence, but their Lordship's will expect to hear that proper Orders are given for transcribing them with all possible Dispatch.

"GEO. THOMAS.

"Jan^{ry} 6, 1740–1.

"By his Honour's Command.

"Pat. Baird, Secry."

Then his Honour acquainted the Members that he had received from Mr. Paris, Provincial Agent at London, Copies of two Reports upon some of our Late Acts of Assembly, the one of the 16th of April, 1740, by the Lords Commissioners for Trade and Plantations, the other of the 10th of May, 1740, by the Attorney & Solicitor Gen^{l}, both which were read and are as follows:

"To the Right Honble, the Lords of the Committee of his Majesty's most Honble Privy Councill.

"My Lords:

"We have Considered five Acts past in the Province of Pennsylvania, referred to Us by your Lordship's Order of the 23d of Nov^{r} 1739, Entituled,

"'An Act for the more easy and speedy Recovery of small Debts.'

"'A Supplem^{t} to the Act for Electing Members of Assembly, &c.'

"'AN ACT for the more effectual preserving the Credit of our Paper-Money & recovering the proprietary Quits-Rents.'

"'AN ACT for re-printing, exchanging, and re-emitting All the Bills of Credit of this Province, & for striking the further Sum of £11,110 5, to be emitted upon Loan.'

"'AN ACT for the better enabling divers inhabitants of the Province of Pennsylvania to trade & hold Lands within the said Province.'

"As two of these Acts relate to Paper-Money, we took the Sense of the Merchant's trading to that Province upon them, who are of Opinion that they are not only reasonable but likewise necessary for carrying on the Commerce of that County.

"We have consulted Mr. Fane, One of his Mat^{y} Counsel-at-Law, upon the said Acts, who has no objection to them in points of Law, and as no Objection appears to Us against them, we have no reasons to Offer why they may not receive his Majestie's Royal Approbation.

"We have also considerd ano^{r} Act past at the same Time in Pennsylvania, Entituled

"'A Supplement to an Act of Assembly of this Province, Entituled An Act prescribing the Forms of Declaration of Fidelity, Abjuration & Affirm^{n} instead of the Forms heretofore required in such Cases;'

"And have also consulted Mr. Fane thereupon, who has no objection to it in point of Law. But we must beg Leave to observe that in taking an Oath it dispenses with the usual Form of Kissing the Book, & gives liberty to take the Oath as commonly administred and taken in Scotland; we must therefore Submit whether his Ma^{ty} may not be graciously pleased to give his Royal Approbation thereto. We are, My Lords, your Lordships' most Obed^{t} and most hble Serv^{ts}, Monsan R. Plumer, M. Bladen, Edw. Ashe, Ja. Brudenell.

"Whitehall, April 16th, 1740."

"To the Right Honourable the Lords of the Commitee of Council for Plantation Affairs.

"May it please your Lordships:

"In Obedience to your Lordships' Order of the sixth of May Instant, whereby your Lordships' are pleased to refer to Us an Act past in the Province of Pennsylvania, Intitled

"'A Supplement to an Act of Assembly of this Province, Intitled An Act preescribing the Forms of Declaration of Fidelity, Abjuration and Affirmation, instead of the Forms heretofore required in such Cases;'

"And directing Us to consider thereof and Report to your Lordships with all convenient speed, whether we conceive it adviseable for his Majesty to signify his Royal Approbation of the said Act.

"We have considered the said Act, and considering the loose uncertain manner of pening it, and the Danger there may be of giving way to new Scruples about Oaths, It does not seem adviseable to us for his Majesty to signify his approbation of it.

"All which is humbly submitted to your Lordships great Wisdom.

"10th May, 1740. D. RYDER, J. STRANGE."

Jan^{y} 8th. The Governor received the following Message from the Assembly in Answer to his of the 6th Instant, which he ordered to be inserted in the Minutes, and is as follows:

"A Message from the Assembly to the Governor.

"May it please the Governor:

"We thankfully acknowledge the regard the Governor has been pleased to show to the Interests of the inhabitants of the Province, in communicating to Us the Subject Matters contained in his Message of the 6th Instant, with the Letters and Papers relating thereto; and having duly considered them, We think it a Duty we owe to those we represent to return our Sentiments thereof in the manner following:

"When the Act of the sixth year of the late Queen Anne for ascertaining the Rates of foreign Coin in the British Plantations past and was in force, the People of this Province Yielded Obedience thereunto by receiving and paying Silver at the Rates thereby directed, and so continued to do until the year 1720. Between which Time and the Year 1723, Merchants to make Remittances to England did sometime purchase Silver with Gold at a Small advance, but no payments were deemed legal but such as were paid according to the Tenor of the said Act. In the Year 1723 the first Act for Emitting of Bills of Credit was made, in the doing of which as well as in all other the Acts for issuing Bills of Credit within this Province, due regard was had to the Act of Parliament before mentioned by Establishing the Values of those Bills in Conformity to it. It must indeed be confessed, that soon after these Bills of Credit were issued, as our Trade very much increased and far greater Quantities of English Goods were imported, the Ballance of our Trade with Great Britain turned out in our Disfavour, And as those Bills were of good Credit and answered the Ends of Money amongst us, it was no longer in our Power to keep any great Quantities of Silver or Gold for a Currency; and therefore since that Time they have been seldom used in the Payments of Debts, but generally bought and sold as Merchandize, and Shipp'd off to Great Britain to pay for those great Quantities of Goods which are yearly imported from thence.

"As the Governor received from the Assembly of the last year (for the same Purposes it is now again required) a full account of

he state of our paper Currency at that time, and was pleased to undertake to Transmit it to the Lords for Trade and Plantations, and as we are well informed their Lordships have received the same and there is no other or greater Quantities of Bills of Credit since Emitted, we Conceive it will not be necessary to say much on that Occasion. We may however add, that in Pursuance of the last Act, great Part of the Bills of Credit, formerly current, have been brought in and actually destroy'd, and the Residue daily bringing in and Exchanging to the same End; So that £80,000, created by virtue of that Act, is the whole Sum that is or will be current in this Province; And notwithstanding this is the greatest Sum we have ever had Current among us, Yet is evident that no Injuries have been sustained by the British Merchants, but, on the Contrary, it has been greatly advantageous both to them & the Trade of this Place, for Silver is fallen in Value since the Emission from 8–6 ℔ oz. to 7–6 ℔ oz., and Gold from £6 9 3 to £5 15 0 ℔ oz.; and Bills of Exchange drawn on Merchants in London, which were not to be purchased some time before the Emission of those Bills at less than £70 ℔ Cent have since been and we believe now may be purchased at £50 ℔ Cent; and therefore the Discouragem^ts which have been put on the Commerce of Great Britain and Confusion in Dealings the Lords Justices are pleased to mention, we persuade ourselves alluded to Abuses committed in some other Colonies in which we had no concern & has no relation to Us; And we have the Stronger Inducement to this persuasion, since by the Report lately made to the Lords Committee of Council from the Lords Commissioners for Trade and Plantations, touching the last Act passed in this Province for emitting the Sum of £80,000 in Bills of Credit, 'they were pleased to declare they had took the Sense of the Merchants trading to this Province upon it, who were of Opinion that it was not only reasonable but likewise necessary for carrying on the Commerce of this Country; That they had consulted Mr. Fane, one of his Majesty's Council-at-Law, upon the said Act, who had no Objection to it in point of Law, And that as no Objection appeared to them they had no reasons to Offer why it might not have his Majesty's Royal Approbation,' which we are informed it hath since actually received.

"From what is before said and what is consistent with the Governor's Knowledge, we Conceive it is evident, and that he will be of Our Opinion, that the Method prescrib'd by the Act is the best Means of sinking those Bills by the Inhabitants of this Province; That it would be extreamly injurious to them to do it Suddenly or in any other manner; That it would tend to the impoverishing of Great Numbers of the King's Loyal Subjects here, and would give such an interruption to the Commerce between Great Britain and this Colony as (we believe) might disable Us from importing and purchasing the fourth part of the Goods we now annually do.

"The Revising & Collecting of the Acts of Assembly now in

force in this Government has been under the Consideration of some preceeding Assemblys as well as of the present, and our Speaker, to whose Care we recommend that Matter, acquaints Us he has made a Considerable progress in it, and we hope it will be compleated time enough to furnish the Governor with such Copies of those Laws as will answer the End the Lords for Trade and Plantations propose.

"As the Commerce between Great Britain and this Colony and the Interest of the Inhabitants have so great a Dependence on the Continuance of the Currency of our Bills of Credit amongst us, We entertain no Doubt but the Governor will be pleased to state our Case in regard them to the Lords for Trade and Plantations in a true Light; And it is only Want of a Right Understanding of the Benefit that arises by them from whence we can form any Apprehensions of the Danger of being deprived of them.

"Signed by Order of the House,

"J. KINSEY, Speaker.

"The 8th of the 11th Month, 1740."

The Governor also the same Day received a Verbal Message from the Assembly, signifying their intention to adjourn themselves to the 20th of April next, Unto which he did not Object.

At a Council held at Philada., 2d February, 1740–1.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieu^{t} Governor.

Clement Plumsted, Thomas Laurence,
Samuel Hasell, Thomas Griffitts,
Ralph Assheton, } Esqrs.

The Minutes of the preceeding Council were read. Then

A Letter from Admiral Vernon at Jaimaica to His Hon^{r} the Lieutenant Governor, having been laid before the Board and Read,

The same was taken into Consideration, and Resolved that it be further considered at the next Meeting of Council.

At a Council held at Philada., Feb. 20th, 1740–1.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut. Governor.

nuel Preston, Anthony Palmer,
ement Plumsted, Samuel Hasell,
omas Laurence, Ralph Asshcton, } Esqrs.
mas Griffitts,

The Letter from Admiral Vernon to his Honour the Governor, ing been laid before the Board & read, Advising that a Squadron welve Spanish Men of Warr, from 80 to 60 Guns, and two as e ffrench Squadrons from Brest and Toulon, are lately arrived hose Seas, and from an Opinion that those Squadrons will rely n being supplied with provisions by the Northern Colonies either diately from the ffrench Ports before we come to a Rupture with n, or from St. Eustatia or Corocoa afterwards, recommending no one be permitted at this critical Juncture to clear out with- giving Sufficient Security not to land his Provisions elsewhere at some one of his Majestie's Colonies, It is the unanimous nion of this Board that the proposed Limitation may prove tly for his Majestie's and the publick Service, as it may be a ns of distressing the Enemy. It is, therefore, hereby

rdered, That the Collector of his Majesty's Customs on the Na- Officers of this Port shall not Clear any Vessell Laden or to be en with Provisions of any sort untill the Master of such Vessel have given Bond, with sufficient Security, to his Majesty, in Naval Office, that the said Provisions shall not, directly or in- ctly, be carried to or landed in any Port, Harbour, or Place in erica Subject to any Foreign Prince or State, but that the same l be actually and bona fide carried to and landed in some of his estie's Dominions in Europe, or in some of his Majestie's Colo- or Plantations in America, or in the Islands Azores or Madeira, some Port or Place in Europe Subject to some Prince or State mity with Great Britain. And within the Space of eighteen ths after the Date of such Bond to return a Certificate, under Hands and Seals of the principle Officers of his Majestie's Cus- s at such British Port or Plantation, or under the Hand of the ish Consul, or (in such place where there is no British Consul) er the Hands of two or more of the principal Merchants resi- t at such other place or Port where the said Provisions may be led as aforesaid, respectively signifying that the said Provisions e actually Landed or put on shore at such respective Port or e. And upon the producing such Certificate within the Time re limitted, the Navall Officer is hereby ordered to cancel such d so given as before is hereby directed.

At a Council held at Philadelphia, March 10th, 1740-1.

PRESENT:

The Honble GEORGE THOMAS Esqr., Lieut. Governor-

Samuel Preston, Clement Plumsted, Ralph Assheton, Thomas Laurence, Thomas Griffitts, Samuel Hasell, } Esqrs.

Upon considering his Majestie's Speech to the Parliament of Great Britain, recommending that a Law be prepared to prevent our Enemies being supplied with Provisions from any of his Majesty's Dominions, And his Majestie's order in Council, pursuant to the Addresses of the Houses of Lords and Commons, laying an Embargo upon all Ships in the Ports of Great Britain laden or to be laden with Corn, Grain, Starch, Rice, Beef, Pork, or any other Provision of Victuals to be exported to foreign Parts; and likewise upon Considering that his Majestie's Dominions and Plantations, under the present scarcity of Provisions in many parts of them, and more especially his Majestie's Fleet & Troops in America, may stand in need of all that can be spared from this Province over and above what shall be necessary for the support of the Inhabitants thereof, It is the Opinion of this Board That a further Restraint ought to be laid upon the Exportation of all sorts of Provisions until his Majestie's Pleasure shall be known on the Resolutions of Parliament concerning the Bill some Time since under their Consideration, or until further Order.

And it is hereby Ordered, That the Collector and Naval Officer do not clear out any Vessel laden or to be Laden with Corn, Grain, Flower, or any other Provision of Victuals, untill the Master shall have given Bond in the Naval Office, with sufficient Security, that he will not, directly or indirectly, Land or put on Shore any Corn, Grain, Flour, or any other Provision of Victuals in any Port or Place whatsoever under the Government of any fforeign Prince or State; But that he will bona fide land the same either in some Port of his Majestie's Dominions in Europe, or in some of his Majestie's Colonies or Plantations in America, and to return a certificate within eighteen Months, under the Hand & Seal of the Collector or principal Officer of his Majestie's Customs where he shall have landed the same as aforesaid.

At a Council held at Philadelphia, March 26th, 1741.

PRESENT:

The Honble THOMAS PENN, Esqr., Proprietary.

The Honble GEORGE THOMAS, Esqr., Lieut. Governor.

Samuel Preston, Clement Plumsted,
Thomas Laurence, Samuel Hasell, } Esqrs.
Thomas Griffitts,

The Governor laid before the Board sundry Papers & Instruments relating to the Delaware Indians, viz^{t}:

A Copy of a Letter from sundry of the said Indians, directed to Jeremiah Langhorne, Esqr., and Others, the Magistrates of this Province, Complaining of certain Lands in Bucks County being taken & held from them without their having received Satisfaction for the same, Dated Nov^{r} 21st, 1740.

A Letter to the Governor from the same Indians and to the like purpose, Dated Jan^{y} 3d, 1740–1.

Absolute Deeds of Conveyance of all the said Lands, from the Chiefs of the six Nations to the Proprietors, Dated October 11th & 25th, 1736;

An absolute Deeds of Release and Quit Claim of all the said Lands from the Chiefs of the Delaware Indians to the Proprietors, Dated August the 25th, 1737, And a Map of the said Lands made on that Occasion;

And a Letter from the Chiefs of the six Nations, wherein they declare that their Cousins, the Delawares, have no lands to dispose of, and praying the Proprietor not to buy or accept of any Grant of Lands from them.

Which being read,

It is the Opinion of the Board that a Letter from the Governor be sent to the Delaware Indians, setting forth the former Purchases and Releases of the said Lands and the request of the six Nations aforesaid, and Exhorting and requiring them (the Delawares) to live peaceably & friendly with the English Inhabitants as heretofore, And at the same time to inform them that as the Chiefs of the six Nations are to be at Philadelphia in May next, unto whom this whole Affair will be made known, The Delawares may, if they please, at their own Expence, come down at the same time and be present.

At a Council held at Philadia., April 4th, 1741.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut. Governor.

Samuel Preston, Clement Plumsted, Samuel Hasell, Ralph Assheton, Thomas Griffitts, } Esqrs.

The Minutes of the preceeding Council being read and approved,

The Governor inform'd the Board that for some time past he had thought it requisite to Issue new General Commissions of the Peace, for that by the Death of some and the Misbehaviour of Others it was now become highly necessary to supply and rectify the Magistracy of the Province, and more especially as he had lately received a Letter from Mr. John Penn, whereby it appeared he had received Information that the Court at Chester had set aside a man from the Jury for declining to take the affirmation, and insisting to be qualified as a Juror by Oath; and in which Letter Mr. Penn had strongly recommended to the Governor to appoint a Majority of such Magistrates in every County as would not scruple to take or at least to Administer an Oath, that equal and impartial Justice might be done to all men; That he had consider'd and inform'd himself, the best he could, of the most proper Persons to be Justices of the Peace for the several Counties, and proposed the following Gentlemen, viz^{t}:

For Philadelphia County.

Clement Plumsted, Thomas Laurence, Samuel Hasel, Ralph Assheton, the Mayor of the City of Philadelphia for the time being, the Recorder of the City of Philadelphia for the Time being, Edward Roberts, Richard Harrison, William Allen, George Boone, George Fitzwater, James Hamilton, William Till, Abraham Taylor, Jonathan Robeson, Owen Evan, of Limerick, Isaac Leech, Benjamin Shoemaker, Joseph Pæschal, Joshua Maddox, Robert Strettle, Griffith Lewellyn, and Derrick Keysar.

For Chester County.

Henry Pearce, Henry Hayes, Elisha Gatchel, John Crosby, Caleb Copland, William Moore, Abraham Emmet, Joseph Pennock, Joseph Brinton, William Pym, Joseph Bonsal, Joseph Parker, William Webb, John Mather, Ralph Pyle, John Taylor, Job Rushton, Charles Grant, and the Chief Burgess of Chester for the Time being.

For the County of Bucks.

Joseph Kirkbride, Mathew Hughes, Lawrence Growdon, Benjamin Jones, Isaac Pennington, Simon Butler, John Wells, Ennion Williams, Nathaniel Irish, Mathew Rew, Richard Mitchel, Mark Watson, Richard Hough, Mathias Harvey, and the Chief Burgess of Bristol.

For Lancaster County.

dwards, Samuel Jones, Andrew Galbraith, Edward
el Smith of Conai, Emanuel Carpenter, Thomas Cook-
yle, James Armstrong, Samuel Smith of Coniwaga,
d, Andrew Douglas, Richard Ocaihan, John Hogg,
yser, John Reynolds, James Whitehill of Salisbury,
of Talpahakin, and David Jones of Pequay.

bjection being made to any of these Gentlemen,

That Blank Commissions be prepared by the Secretary
e filled up.

nor then recommended to the several Members present
f such other Persons as they might think fit to Act in
cy, that their Names, if approved of, might be likewise

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cil held at Philada., May 12th, 1741.

PRESENT:

le GEORGE THOMAS, Esqr., Lieu^{t} Governor.

ton,	Clement Plumsted,	Esqrs.
rence,	Samuel Hasell,	
ton,	Thomas Griffitts,	

nor laid before the Board sundry Orders of his Ma-
ncil, relating to several Laws passed here, which were
ed to be inserted in the Minutes of this Board in the
r several Dates as follows, viz^{t}:

the Court of St. James', the 10th Day of March, 1789.

PRESENT:

g's most Excellent Majesty.

p of Canterbury,	Earl of Grantham,
dent,	Earl of Cholmondely,
Seal,	Earl Fitz Walter,
rd,	Lord Delaware,
berlain,	Lord Monson,
ontagu,	Lord Chief Justice Willes,
ewcastle,	S^{r} Charles Wills.

, in pursuance of the Powers granted to the Proprie-
rovince of Pennsylvania by Letters Patent under the
The Deputy Governor, Council, & Assembly of the said
in the year 1735 pass eight Acts, which have been
& are Entitled as follows, Viz^{t}:

r for the more easy & speedy recovery of small Debts.'

r for vesting the State House publick Buildings, with
and whereon the same are erected, in Trustees for the
Province.'

"'A Supplement to the Laws for Laying out of Highways & Publick Roads.'

"'An Act for regulating the retailing of Liquors near the Iron Works.'

"'An Act for confirming the Election of the Commissioners & Assessors for the County of Bucks,' &

"'An Act for the better enabling divers Inhabitants of the Province of Pennsylvania to hold Lands, and to invest them with the Priviledges of Natural Born Subjects of the s^d^ Province.'

"'An Act to prevent the Damages which may happen by firing of Woods.'

"'An Act Entitled a Supplement to the several Acts of this Province for the Relief of the Poor.'

"His Majesty this Day took the said Acts into his Royal Consideration, & having received the Opinion of the Lords Commissioners for Trades and Plantations, and also of a Committee of the Lords of his Majestie's most Honourable Privy Council thereupon, is hereby pleased to declare His Approbation of the s^d^ Acts; and pursuant to his Majestie's Royal pleasure thereupon expressed, The said Acts are hereby Confirmed, finally Enacted, and Ratified accordingly. Whereof the Deputy Governor, Council, & Assembly of the said Province, and all others whom it may concern, are to take Notice and Govern themselves accordingly.

"W. SHARPE."

"[L. S.] At the Court at S^t^ James', the 12th day of May, 1740.

"PRESENT:

"The King's most Excellent Majesty.

"Arch Bishop of Canterbury,	Lord Sidney Beau Clerk,
"Lord Chancellor,	Viscount Lousdale,
"Lord President,	Viscount Torrington,
"Lord Privy Seal,	Lord Harrington,
"Lord Steward,	Lord Cornwallis,
"Lord Chamberlain,	Lord Monson,
"Duke of Richmond,	Mr. Speaker,
"Duke of Bolton,	Mr. Chancellor of the Exchequer,
"Duke of Devonshire,	Lord Chief Justice Willes.
"Duke of Rutland,	S^r^ Charles Willes,
"Duke of Montagu,	Henry Pelham, Esq^r^
"Duke of Newcastle,	Horatio Walpole, Esq^r^
"Earle of Pembroke,	Stephen Poyntz, Esq^r^
"Earl of Grantham,	S^r^ William Yonge,
"Earl of Cholmondelay,	S^r^ John Norris.

"Whereas, in pursuance of the Powers granted to the Proprietaries

vince of Pennsylvania by Letters Patent under the Great
Deputy Governor, Council, & Assembly of the said Pro-
in May, 1739, pass five Acts which have been transmitted,
titled as follows, Viz^{t}:

Act for the more easy & speedy recovery of small Debts.'

pplement to the Act for Electing Members of Assembly,

Act for the more effectual preserving the Credit of our
ney & recovering the Proprietary Quit-Rents.'

Act for Reprinting, Exchanging, & Re-emitting all the
redit of this Province, and for Stricking the further Sum
0 5 0, to be emitted upon Loans.'

Act for the better enabling divers Inhabitants of the Pro-
nnsylvania to Trade & hold Lands within the said Province.'

Majesty this Day took the said Acts into his Royal Con-
and having received the Opinion of the Lord Commis-
Trade and Plantations, and also of a Committee of the
is Majestie's most Honourable Privy Council thereupon,
pleased to declare his Approbation of the said Acts; and
o his Majestie's Royal Pleasure thereupon expressed, the
are hereby Confirmed, finally Enacted, & Ratified accord-
Thereof the Deputy, Governor, Council, & Assembly of
Province, and all others whom it may concern, are to take
Govern themselves accordingly.

"W. SHARPE."

—

At the Court at S^{t}. James', the 12th day of May, 1740.

"PRESENT:

King's most Excellent Majesty.

shop of Canterbury,	Lord Sidney Beau Clerk,
ancellor,	Viscount Lousdale,
esident,	Viscount Torrington,
ivy Seal,	Lord Harrington,
ward,	Lord Cornwallis,
amberlain,	Lord Monson,
Richmond,	Mr. Speaker,
Bolton,	Mr. Chancellor of the Exchequer,
Devonshire,	Lord Chief Justice Willes,
Rutland,	S^{r}. Charles Wills,
Montagu,	Henry Pelham, Esq^{r}.
Newcastle,	Horatio Walpole, Esq^{r}.
Pembroke,	Stephen Poyntz, Esq^{r}.
Grantham,	S^{r}. William Yonge,
Cholmondelay,	S^{r}. John Norris.

reas, in pursuance of the Powers granted to the Proprie-

taries of the Province of Pennsylvania by Letters Patent under the Great Seal, the Deputy Governor, Council, & Assembly of the s^d^ Province, did in May, 1739, Pass an Act which have been transmitted, & is Intituled as follows, Viz^t^:

"'A Supplement to an Act of Assembly of this Province, Entitled An Act prescribing the Forms of Declarations of Fidelity, Abjuration, and Affirmation, instead of the Forms heretofore required in such Cases.'

"His Majesty this Day took the said Act into his Royal Consideration, and having received the Opinion of the Lords Commissioners for Trade & Plantations, The Attorney & Solicitor General, and also of a Committee of the Lords of his Majesty's most Honourable Privy Council thereupon, Is hereby pleased to Declare his Disallowance of the said Act; And pursuant to his Majesty's Royal Pleasure thereupon, the said Act is hereby Repealed, declared Void, & of none Effect, Whereof the Deputy Governor, Council, & Assembly of the said Province, and all others whom it may Concern, are to take Notice & Govern themselves accordingly.

"W. SHARPE."

As also two Letters from Andrew Stone, Esq^r^ Secretary to their Excellencys the Lord Justices for Administration of the Government during his Majesty's Absence, respecting the distribution of Prizes taken from the Enemy, and the Conduct to be observed by Persons obtaining Letters of Marque, together with their Excellency's Proclamation thereupon, and Extracts from the Treaty marine with Holland, concluded at London the 1st of December, 1674, O. S., which were severally read and ordered to be inserted as follows, Viz^t^:

"Whitehall, 20th July, 1740.

"S^r^:

"The Lords Justices, appointed for the Administration of the Government during his Majesty's Absence, having thought fit to Issue a Proclamation appointing the distribution of Prizes taken, and the Bounty for taking Ships of Warr from the Enemy, agreeable to a late Act of Parliament in that behalf, I send you herewith several Printed Copies of the said Proclamation, that you may cause the same to be made publick in his Majesty's Islands under your Government.

"I am, S^r^, Your most obedient, Humble Servant,

"ANDREW STONE."

"Whitehall, July 20th, 1740.

"Sir:

"It having been represented to the Lords Justices, appointed for the Administration of the Government during his Majesty's

Absence, that some Persons to whom Letters of Marque have been granted have not conformed themselves to the Terms prescribed by the Treaties for their Conduct in Time of Warr towards the Subjects of Neutral Powers, Their Excellencies directed that so much of the said Treaties as relates to this matter should be transmitted to you, that you may be fully apprized of the manner in which it is agreed that the Subjects of each party respectively should behave towards the Subjects of the other in case either Party should be engaged in a Warr and the other remain Neuter; and that you may be thereby enabled to give proper Instructions to such Persons as shall take out Letters of Marque within your Government, of their Conduct in this respect, I accordingly send you herewith an Extract of the Treaty between his Majesty & the State's General relating to this Matter, and am to acquaint you with the Lords Justices' Directions, that you should give strict Orders to the Commanders of all Privateers that shall be fitted out in his Majesty's Province under your Government, to confirm themselves thereto. The same must serve also as a Rule for their Conduct towards the Subjects of all Powers in Amity with his Majesty that shall remain Neuter in the present Warr, the Tenour of the Treatys between Great Britain & France, as well as other Powers, being to the like Effect in this respect.

"I am, S^r^ Your most Obedient Humble Servant,

"ANDREW STONE."

"Extracts of Articles from the Treaty Marine with Holland, Concluded at London the 1st Day of December, 1674, O. S.

"Article 2d. Nor shall this Freedom of Navigation & Commerce be infringed by Occasion or Cause of any Warr, in any kind of Merchandizes, but shall extend to all Commodities which shall be carried in Time of Peace, those only excepted which follow in the next Article, and are comprehended under the name of Contraband.

"3. Under the Name of Contraband or prohibited Merchandizes shall be comprehended only Arms, Pieces of Ordinance, with all Implements belonging to them, Fire Balls, Powder, Match, Bullets, Pikes, Swords, Lances, Spears, Halberts, Guns, Mortar-Pieces, Petards, Grenadoes, Musquet-Rests, Salt-petre, Musquets, Musquet-Shot, Helmets, Corslets, Breast-Plates, Coats of Mail, & the like kind of Armature, Soldiers' Horses, and all Things necessary for the furniture of Horses, Holsters, Belts, and all other Warlike Instruments whatsoever.

"4. These Merchandizes following shall not be reckoned amongst prohibited Goods, Viz^t^: all kind of Cloth and all other Manufactures woven of any kind of Wool, Flax, Silk, Cotton, or any other material; all sorts of Clothing & Vestments, together with the Materials whereof they use to be made; Gold & Silver, as well Coined as not coined; Tin, Iron, Lead, Copper, & Coals, as also wheat,

Barley, and all other Kind of Corn or Pulse, Tobacco, & all kind of Spices, Salted & smoked Flesh, salted & dried Fish, Butter & Cheese, Beer, Oils, Wines, Sugars, & all sorts of Salt, & in general all Provision which serves for the nourishment & Sustenance of Life; Likewise all kind of Cotton, Hemp, Flax, & Pitch, and Ropes, Sails, and Anchors, also masts & planks, Boards & Planks of what sort of Wood soever, and all other Materials requisite for the Building or repairing Ships. But they shall not be wholly reputed amongst Free Goods, even as all other Wares & Commodities which are not comprehended in the next preceedent Article, so that the same be freely transported and carried by the subjects of his said Majesty even unto the places in Enmity with the said States, as also on the other Side by the subjects of the said States unto places under the Obedience of the Enemies of his said Majesty, Except only Towns or Places beseiged, invironed, or invested (in French) Blocquies or Investies.

"7. But if by the shewing the abovesaid Coquets expressing the Contents of the Goods on Board given in the usual Form by the Officers of the Customs in the Port from whence she came (concerning the shewing whereof it is above agreed), either Party shall discover any kind of Merchandizes which in the third Article of this Treaty are declared to be contraband or prohibited, Consigned to to any Port under the Obedience of their Enemies, it shall not be lawful to open the Hatches of such Ship in which the same shall happen to be found, whether she belongs to the Subjects of his Majesty or of the Lords the States, nor to unlock or break open the Chests, Mails, Packs, or Casks in the same, nor to Convey away any the least part of the Merchandizes, before the whole be first landed in the presence of the Officers of the Admiralty & inventoried; neither shall it be any ways to sell, exchange, or otherwise to alienate the same, until such prohibited Goods are rightly and lawfully proceeded against, And that the Judges of the Admiralty have by their respective sentences confiscated the same: Provided always, That as well the Ship it self as the rest of the Commodities found in the same which by this Treaty are to be reputed free, shall not, upon pretence of their being infected by such prohibited Goods, be detained, much less Confiscated, for lawful Prize. But if not the whole but a part only of the Lading consists of Contraband or prohibited Commodities, and that the Master of the Ship shall be willing and ready to deliver them to the Captor who seized the same, in that Case the Captor shall not compel the Ship to go out of her Course to any Port he thinks fit, but shall forthwith dismiss her, and upon no Account hinder her from prosecuting her designed Voyage.

"8. It is further Agreed, That whatsoever shall be found Laden by his Majesty's Subjects upon any Ship whatsoever, belonging to the Enemies of the Lords of the Sates, altho' the same be not of the

lity of Contraband Goods, may be confiscated. But on the con-
, all that which shall be found in the Ships belonging to the
ects of his Majesty shall be accounted clear and free, al-
gh the whole Lading, or any part thereof, by just Title or Pro-
y shall belong to the Enemies of the Lords the States, Except
es Contraband Goods, which being intercepted all things shall
one according to the meaning & direction of the precedent Ar-
s; And by the same Reason, whatsoever shall be laden by the
ects of the Lords the States, in any Ship whatsoever belonging
e Enemies of his Majesty, altho' the same be not of the Quality
ontraband Goods, may be confiscated. But on the other Side,
hat which shall be found in the Ships belonging to the Subjects
e Lords the States, shall be accounted Clear & free, altho' the
e Lading, or any Part thereof, by just Title of propriety shall
g to the Enemies of his Majesty, except alwaies Contradand
s, which being intercepted all things shall be done according
e Meaning & Direction of the precedent Articles; And least
Damage by surprize should be done to the one Party who is in
e when the other Party shall happen to be Engaged in War, it
ovided & agreed that a Ship belonging to the Enemies of the
Party, and laden with Goods of the Subjects of the other Party,
not infect or render the s$^{d.}$ Goods liable to Confiscation in case
were laden before the Expiration of the Terms & Times here-
mentioned after the Declaration or Publication of any such
, Viz$^{t.}$: If the Goods were laden in any Port or place between
places or Limits called the Soundings & the Naz, in Norway,
in the Space of six Weeks after such Declaration of two Months,
een the said places the Soundings & the City of Tangier, and
n Weeks in the Mediteranean Sea, or within the Space of eight
hs in any other Country or place of the World, so that it
not be lawful to Confiscate the Goods of the Subjects of his
sty taken or Seized in any Ship or Vessel whatsoever of any
ay of the Lords the States upon that Pretence, but the same
without Delay be restored to the Proprietors, unless they were
n after the Expiration of the said Terms of Time respectively,
o that it may not be lawful for them afterwards to carry to
nies Ports the said Merchandizes which are called Contraband,
r the Reason aforesaid shall not be liable to Confiscation. Nei-
on the other side shall it be lawful to confiscate the Goods of
ubjects of the Lords the States taken or seized in any Ship or
el whatsoever of an Enemy of his Majesty upon that Pretence,
he same shall be forthwith restored to the Proprietors thereof,
s they were Laden after the Expiration of the said Terms of
respectively, but so that it may not be lawful for them after-
s to carry to Enemies Ports the said Merchandizes which are
l Contraband, and for the Reason aforesaid shall not be liable to
scation."

kewise a Letter from Andrew Stone, Esq$^{r.}$ Dated Octo$^{r.}$ 2d,

1740, purporting their Excellencys the Lords Justices Order respecting the Exportation of Provision, which is as follows, Viz^{t}:

"Whitehall, Oct^{r} 2d, 1740.

"S^{r}:

"Their Excellencies the Lords Justices, to whom his Majesty has intrusted the Administration of the Government during his Absence, having been informed That Great Quantities of Provisions have been exported from several of his Majestie's Colonies in North America, for the use of fforeign Colonies, which Practice may in the present Conjuncture be highly prejudicial to his Majesty's Service, Their Ex^{cies} have commanded me to signify to you their Directions That you should prevent, as far as possible, the Exportation of any provisions from the province under your Government to any foreign Colonie whatsoever; and in order thereto, that you should Cause all Ships laden with Provisions, and not in his Majestie's Service, that shall Sail from any of the Ports within your Government, to give Sufficient Security to Land the said provisions in some Part of his Majesty's Dominions. I am S^{r} your most Obedient Humble Servant. "ANDREW STONE."

Upon which it is ordered that the several Officers of the Customs within this Government be served with a Copy of the said Order.

And Lastly, the Governor laid before the Board a Letter from his Grace the Duke of Newcastle, dated Dec^{r} 4th, 1740, which he had very lately received by the way of Jaimaica; and the same being read, is ordered to be inserted as follows, Viz^{t}:

"Whitehall, Dec^{r} 4th, 1740.

"S^{r}:

"I have received & laid before the King Your several Letters, the Last of which is Dated Octo^{r} 2d, giving an Account of your proceedings in the Execution of his Majesty's Orders for raising a Body of Men to serve under the Command of Lord Cathcart, & Transporting them to Jaimaica, And I am to Acquaint you with his Majesty's Approbation of Your Diligence & Zeal for his Service on this Occasion.

"As there seems to be such a Spirit amongst his Majesty's Subjects in the several Colonies of North America, That even a greater number of Men might have been raised for this Service than has been yet done, and as it is probable That Recruits will be wanted for the Forces under Lord Cathcart's Command, or even that Lord Cathcart may write to have a greater number of Troops from North America than are at present sent to him, His Majesty has commanded me to acquaint You that if my Lord Cathcart should think proper to send to you for any number of Men for Recruits or for any other Service, you should endeavor to raise them accordingly, and take Care that they be transported to such Place & at such

Time as Lord Cathcart shall appoint. And that all such Persons as shall enlist in his Majᵗʸˢ Service on any such Occasion should have the same Allowance of Pay & Subsistance, Clothes & Arms, as was given to the Men that were first raised. And it is his Majesty's Pleasure that you should transmit an exact Account of the Number of Effective Men that have been already raised within your Government, as, also, of those that shall be further raised in Consequence of any Application to you for that Purpose by my Lord Cathcart as is above mentioned.

"I am, Sʳ. Your most Obedient Humble Servant,

"HOLLIS NEWCASTLE."

At a Council held at Philadelphia, June the 11th, 1741.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieutenant Governour.

Clement Plumsted, Thomas Laurence, } Esqrs.
Samuel Hasell, Thomas Griffitts, }

The Governor acquainted the Board that during the late Sessions of Assembly some Messages had past between him and the House of Representatives, which being read in their Order are as follows:

"His Honʳ. the Governor to the Gentlᵉ of the Assembly.

"Gentlemen:

"Upon information some time ago received from Admiral Vernon, that one Spanish & two ffrench Squadrons were arrived in the West Indies, and that they depended upon being supplied with Provisions from the Northern Colonies, either directly to the ffrench Islands or by the Way of St Eustatia & Curracoa; And upon repeated advices from London that an Embargo was laid on all sort of Provisions in Great Britain and Ireland, and that a Bill to prohibit the Exportation of them to foreign Ports from any part of his Majestie's Dominions, as well in America as Europe, was then under the Consideration of Parliament, It was by myself and Council Judged for the King's service to limit the Exportation of Provisions from this Province to the Ports in his Majestie's Dominions. And I have the Satisfaction to find by an Order I have since read from their Excellency's the Lords Justices (which by various accidents was long before it came to my hands), that what has been done here exactly agreed with his Majestie's Intentions.

"As Great Quantities of Wheat have been exported many Vessels are now Loading with Wheat, and many more are daily expected on. The same Design, and as by much the greatest part of the Old Crop is said to have been already Shipt off, and the Crop now upon the Ground very much injured by the late severe Drought,

from whence it is apprehended that not only the King's forces in America but even our own Inhabitants may be distressed, I recommend to your immediate Consideration whether it will not be prudent to put a Stop to the further Exportation of Wheat for a Time to be limited.

"May 26th, 1741."

Unto which the Assembly made the following Answer:

"A Message to the Governor from the Assembly.

"May it please the Governor—

"Since the Limitations the Governor, by Advice of his Council, was pleased to make to the Exportation of Provisions from this Province have proved agreeable to the King's Intentions, And no other than what we suppose are now inforced by an Act of Parliament, It is the less necessary to enquire of what Validity those restraints might have been had they not been Supported by so good Authorities. Thus much, however, permit us to say: It is a precedent which We hope will not be frequently drawn into Example, since tho' it happens to be agreeable to the King's Intentions in the present Case, in others it may vary, and may possibly be made use on pretenses which appear plausible, and yet greatly to the injury of the Inhabitants of this Colony.

"The Exportations of Wheat which have lately been made from home are so considerable that we are inclinable to believe the Quantity remaining in the Province is much less than hath been usual at this Season of the Year; And Yet, from the information we have of the Quantity left, Considering that Harvest is approaching, and that We have had no Applications from our Constituents complaining Scarcity of Grain, we are in Hopes that sufficient will remain for the use of the Inhabitants without limiting the further Exportation, which, were it done, we judge would not be of any Considerable service, unless the like prohibitions were made in the neighbouring Governments, and extended to Biscuit & fflower. And such a Prohibition, unless we were well assured the Quantity remaining in the Province were no more than is absolutely necessary for the subsistence of the Inhabitants, would neither be Prudent nor justifiable, Since it might not only injure such who have an Overpluss of those Commodities to dispose of, but might be a Means of distressing our fellow Subjects in the West Indies, and Particularly the King's fforces there, in regard to whom We conceive no such Exceptions could be made but what whould tend to Monopolize that Branch of Our Trade without lessening the Quantity of Provisions exported. And we may add, that the great Prices now given to Bakers for Biscuit to be exported, and the necessity the Owners of Mills are under of keeping them employed, induces both to give greater Prices for Wheat to be manufactured in the Province than We think the Merchants can well afford to do for Exportation, which would render

any restraint that might be put on the Exportation of Grain only ineffectual.

"It must be Confest that the Crops now in the Ground lately appeared to be much injured by the severity of the Winter and the Drought since; But the late Rains, which by the Blessing of Providence have been Afforded Us, gives a better prospect of the ensuing Harvest than there once seemed reason to Expect, so that unless a Calamity not usual in this Province does happen, we hope there will be no Complaint for want of Bread. But if any Danger of this kind should hereafter be discovered, And any restraints on our Exportations appear necessary, it may then become the care of the Legislature. However this may be, We acknowledge this Instance of the Governour's Care for the Welfare of the inhabitants of this Province; an equal Tenderness in every other Branch of their Interest might have excited their Gratitude and transmitted his Memory with Honour to posterity.

"Signed by Order of the House.

"JOHN KINSEY, Speaker.

"4th Mon. 2, 1741."

Whereunto the Governour reply'd as follows:

"His Honour the Governor to the Gentlemen of the Assembly.

"Gentlemen:

"It is very fortunate for me and all the Governors upon the Continent that the Measures taken to prevent a Supply of Provisions from being carried to the Enemy have been supported by the King's pleasure and an Act of Parliament ex post facto, for otherwise I find that Restraint, how necessary soever might have been deem'd, neither expedient nor lawful. Whenever an extraordinary Case shall make an Extraordinary Use of power necessary, I hope I shall upon every such Occasion govern my self so as that I shall be able to render to his Majesty a good account of my conduct; And as the Council have a considerable Property in the Province, it is not to be conceived that Pretences or Plausible Appearances will prevail upon them to join in any act injurious to the inhabitants of the Country.

"He knows little of Government or of the World who expects Gratitude from all sorts of Men. It is my Happiness that his Majesty has been graciously pleased to signify his approbation of my Zeal & Diligence for his service; And as my Actions both in Public and Private Life have been the result of an Honest Heart and a Zeal for the Glory of the King and the British Name, I doubt not of their being spoken of with Honour by those whose good Opinion is to be valued.

"GEO. THOMAS.

"June 3d, 1741."

And the same Day the Governor sent the following Message:

"His Honour, the Governor, to the Gentlemen of the Assembly.

"Gentlemen:

"As we have received very certain Information from New York, & from several Seamen who travelled to this City after having been taken Prisoners by a Spanish Privateer Off the Capes of Virginia, and set on Shore at Sandy Hook, That four Privateers were fitted out of the Savannah in the beginning of April last, to Cruise upon this Coast, That one of them had taken five Vessels between the 6th & the 13th of last Month, and We are this Day informed that two more of them have chased several Vessels bound to this Port, and drove One on Shoar a few Days ago near Egg Harbour, belonging to some Merchants of this City, I recommend it to your Consideration whether it will not be very disreputable to this Province, as well as disadvantagious to the Trade of it, to remain inactive, When Boston, Rhode Island, & New York, are fitting out Vessels of fforce to secure their Navigation by attacking the Enemy. The like good Disposition is not wanting in several of the Considerable Inhabitants here, nor a Number of Seamen sufficient to Engage in such an Enterprise; But the former with Reason say, as it will be for the Publick Benefit that it ought to be undertaken at the Publick Expence, and as the Latter are not to expect any Plunder of Value, they will Expect a Reward for each Man they Kill or take (besides the Reward allowed by a late Act of Parliament), as well as some Provision for the ffamilys of such as shall be killed or disabled in any Action that may happen.

"GEO. THOMAS.

"3d June, 1741."

Unto which the Assembly made Answer as follows:

"A Message to the Governor from the Assembly.

"May it please the Governour:

"If the informations received from New York and the Seamen the Governour is pleased to mention have no greater Certainty in them than those concerning two Spanish Privateers chasing one of the Vessels bound to this port, & driving her on Shore at Egg Harbour, Very little regard is to be paid to them, because it is since discovered that not the Spanish Privateers but a Privateer Sloop belonging to Owners in this City, Occasioned the Master of that Vessel to run her Ashore.

"Among the many Advantages this Colony with others enjoys under our Gracious King, that of being protected in our Trade & Navigation is one. To this End there are generally Ships of War Stationed at Boston, New York, and Virginia, as places the most commodiously situated, that whenever Enemies approach they might,

on Notice given them, be in readiness to Scour the Coasts without putting any particular Colony to the Expense of providing & maintaining Ships of fforee.

"It is true it has sometimes heretofore happened that Vessels belonging to this Port, as well as others, have been taken near our Capes in Time of War, but no Instance of the kind hath happened since the Commencem^{t} of the present War to Our Knowledge. We have indeed heard of the Vessels the Governour has been pleased to mention which were taken off the Capes of Virginia. But if this be the Case of those who have the ffavour of a Man of Warr station'd amongst them, there is the less reason to Expect any provision We could make at the great distance We are situated from the Sea would be of any Considerable Service, Were we able to bear the Expense.

"Signed by Order of the House,

"JOHN KINSEY, Speaker.

"Philadelphia, the 6th of the 4th Month, 1741."

Then was laid before the Board and Read a petition from divers Inhabitants of the Counties of Philada., Chester, and Lancaster, setting forth that upon the Petition of sundry Inhabitants of the said Counties to the late Governor and Council, in the Year 1733, an Order was made for laying out a High Road from the Town of Lancaster to High street ffery at the West End of Philadelphia City, that in pursuance thereof a Road was laid out in the foresaid Year 1733, from the Town of Lancaster through the County of Lancaster and part of the County of Chester to the Plantation of one John Spruce in the said County of Chester, and upon a Return thereof made had been by the authority of this Board so far confirmed, But that the further Execution of the said Order in laying out the remaining part of the said Road, for Causes unknown to the petitioners, had been hitherto deferr'd; And praying that this Honble Board would be pleased to appoint proper persons to view and lay out the Remainder of the said Road from the End of the Road already confirmed, near the Plantation of John Spruce, in Chester County, to High street ffery aforesaid. Whereupon it is Order'd by this Board, that William Moore, William Graham, Thomas Thomas, Joshua Thompson, Samuel James, & Nathaniel Grubb, or any four of them, for the County of Chester, Richard Harrison, Griffith Lewellyn, William Thomas, Edward Georges, Hugh Evans, & Robert Jones, or any four of them, for the County of Philadelphia, do view and lay out, or continue the said Road from where the Confirmed Road Terminates, near John Spruce's Plantation, through the Counties of Chester and Philadelphia to High street ffery, at the West End of Philadelphia City aforesaid, so as to be least detrimental to the Possessors of the Lands & most Commodious for Travellers and Carriages, and make return thereof, together with a Draught of the said Road, to this Board, with all Convenient Speed.

At a Council held at Philadelphia, September 14th, 1741.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieu^{t} Governor.

Samuel Preston, Anthony Palmer,
Clement Plumsted, Samuel Hasell,
Ralph Assheton, Thomas Griffitts,
} Esqrs.

Samuel Hasell, Esqr., Mayor of the City of Philadelphia, laid before the Board a paper left at his House by Order of Isaac Norris, a Member of the Assembly, Containing some Resolutions of the House of Representatives, as follows, viz.:

"The House taking into Consideration the Dangerous Consequences that have happened by the arrival of unhealthy Vessels amongst Us, and willing, as far as in them lies, to prevent the like for the future,

"Resolved,

"That Doctor Lloyd Zachary be the person appointed to visit all unhealthy vessels which shall hereafter arrive in or near the port of Philadelphia, as often as occasion shall require.

"Resolved,

"That the said Lloyd Zachary be paid a reasonable Reward for services which he shall do in visiting the said Vessels, as often as he shall be thereunto directed by the Governor and Council, or on their Default by any two Justices of the City and County of Philadelphia: Provided the said Lloyd Zachary make Report of the State of each such Vessel in Writing, and lodge the same in the Secretary's Office, and a Copy thereof be laid before the Assembly when required."

"Copy from the Minutes of Assembly.

"B. FRANKLIN, Clerk.

"6 Mon., 22, 1741."

The foregoing Resolutions having been read & Considered, Ordered that an Entry be made on the Minutes of this Board.

"That for many Years before the present Governor's presiding here, Thomas Grœme, Doctor of Physick, was appointed by the Governors for the time being, with the Consent of the Council, to visit all unhealthy Vessels coming to the port of Philadelphia.

"That the said Doctor Grœme was continued in that Trust by the present Governor with the consent of the Councill, & was afterwards paid for his Services until the Assembly held in 1740 refused to make him any satisfaction for visiting sickly vessels that year, altho' the whole Charge amounted to no more than Nine pounds sixteen shillings.

"That the said Doctor Grœme did regularly attend that Duty,

by which Means & thro' the Care of this Board this City & Province was under God in a great Measure preserved from imported Contagious Distempers for many Years, altho' during that Course of Time many unhealthy Vessels arrived here from Holland, Ireland, and other Parts.

"That since the Assembly denied to pay for those Services, not only the said Doctor Grœme has for the most part declined performing them, but Dr. Lloyd Zachary & other skillful persons of the same profession have refused to Visit Vessels suspected to be sickly upon Application made to them by the Governor's Orders, whereby unhealthy Ships have come to this port & Landed many Persons afflicted with the Mortal & Contagious Disease now in this City & the neighbouring Parts of this Country, which immediately Spread amongst the inhabitants, from whom, it is the opinion of this Board, that the present Mortality is chiefly owing to the Conduct of that Assembly who in Effect Discharged Doctor Grœme from so necessary a Duty without even attempting to get his place supplied by another, & thereby expose the Health & Lives of the Inhabitants to imminent Danger.

"That altho' it is highly necessary that one or more Persons of Skill & Experience in Physick should be appointed to visit & enquire into the Health of People coming hither from Sea, and that they should be allowed a suitable Reward for the same, yet the Duty of our Stations, & the Trust reposed in us by a Law of this Province concerning sickly vessels, & the acquittal of our selves from all Imputation if further ill Consequences should attend imported Distempers hereafter, oblige Us to Declare that the above appointment by the House of Assembly is unprecedented, illegal, and unwarrantable; and, therefore, this Board cannot regard the Person so nominated or appointed, or any Reports by him made, altho' in every other respect they think him well Qualified for the Service.

"And thereupon by this Board it is

"Resolved,

"That the Government of this Province being unquestionably in his most Sacred Majesty the King & those who have Authority under him, the Representatives of the People in Assembly, altho' part of this Constitution & Legislature have no right to Exercise any act of Government, nor can they direct or controul any Magistrate or Officer not even a Constable, or enlarge or create powers in them or others in any case whatsoever.

"That the Authorizing Persons to Enter Ships or Vessels is an important Act of Government not within the Power of the House of Representatives, nor can the Master of a Vessel be compelled to

admit a person under their Authority to come on Board or inspect the Condition of the passengers & Seamen.

"That the Governor as supream Magistrate has the Sole Right to give such an Authority, which in this Case has always been Exercised with the consent of this Board.

"That the endeavouring to transfer this Right from the Governor to two Magistrates by a vote of the House of Representatives, is assuming to themselves the whole Legislative Power, and attempting to divest the Governor of the Executive part of the Government which is in him only as the King's Representative, and if admitted in this Instance may be carried such Lengths as to Endanger the Charter granted to the freemen of this Province.

"That the House of Representatives have not any Authority to direct the filing of papers in the secretaries' or any other Public office without the Governor's assent to a Law for that purpose.

"That a Supposition of a Default in the Governor & Council in a Matter that so highly Concerns the Welfare of the inhabitants of this Province, carries with it an unjust Reflection both upon the Governor & the Council.

"And it is the Resolution of this Board in Conjunction with the Governor, to take all proper Measures as we have hitherto done, pursuant to a Law of this province concerning sickly Vessels, provided the Assembly will allow a suitable Reward to one or more persons to be appointed as usual to visit them."

At a Council held at Philadelphia, September 22d, 1741.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieuten^t Governor.

Clement Plumsted, Samuel Hasell, } Esqrs.
Thomas Griffitts,

Doctors Lloyd Zachary and Thomas Bond having by Order of two Members of this Board visited the Ship St. Mark, with Palatines from Rotterdam, & reported the same to be Sickly and [illegible] have infectious Diseases on Board, It is Ordered, that the said Ship remain at Least one Mile's Distance from Philada. without Landing any passengers or Baggage till further Order.

And the same Physicians having visited the Ship Marlborough & reported her Crew to be free from any infectious Distemper, the Commander, Capt. Bell, is permitted to Land his passengers.

The Governor laid before the Board a Letter which he had re-

ed from General Wentworth, Dated from the Camp on the er Humber in the Island Cuba, Aug^{t} 12th last, relating to the ing Recruits for his Majestie's service in the West Indies, pur- it to his Grace the Duke of Newcastle's Letter of the 4th of ^{r} last.

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Philada. Sep^{r} 28, 1741.

MORANDUM.

he Council was Summoned to attend the Governor at 11 o'clock Day, But Ralph Assheton & Thomas Griffitts, Esq^{rs} only nded, Before whom the Governor laid a Draft of a proclamation ntended to issue for Encouraging Men to Enlist in his Majesty's rice on the present Expedition against the Spanish West Indies, ch being approved of by the Members present, was Ordered to ealed and Published by the Sheriff on the 30th Instant, being ket Day, at 11 o'Clock in the forenoon.

Which Proclamation is as follows, viz^{t}:

y the Honourable George Thomas, Esqr., Lieutenant Governor Commander in Chief of the Province of Pennsylvania & Coun- es of Newcastle, Kent, & Sussex, on Delaware.

"A PROCLAMATION.

Whereas, his Majesty has been pleased to signify his Royal asure by his Grace the Duke of Newcastle, his Majesty's prin- l Secretary of State, that in Case the Commander-in-Chief of Majesty's Land fforces in America should send to Me for any nber of Men for Recruits or for any other Service, that I uld endeavour to raise them accordingly, and take Care that r be transported to such place and at such Time as shall be ap- nted.

nd Whereas, Brigadier General Wentworth, in obedience to his esty's Commands, hath, by his Letter dated at the Island of a the twelfth Day of August last, acquainted me that he hath inted Capt. William Hopkins to repair to this Province to Levy liers to Compleat the American Regiment, and to form another alion if it shall be found best for the King's Service; And reas, his Majesty's fforces are already in Possession of a part uba, the most fruitful & healthful Island in the West Indies, are daily extending their Conquests, I do with the advice of the ncil issue this Proclamation, Promising in his Majesty's Name all such Persons as shall Enlist on this Occasion shall have the e allowance of pay & subsistence, Cloaths & Arms, as were given he Men that were first raised, and shall have a Share of the ds & Settlements taken from the Enemy in Preferance to all rs that shall not Engage in the Expedition, unless they shall se (which is very improbable) to return hither, in which Case

they are to have free Leave, and are to be transported at his Majesty's Expence, retaining their Arms & Cloathing.

Given under my Hand & the Great Seal of the Province of Pennsylvania, at Philadelphia, the twenty eighth Day of September, in the fifteenth Year of his Majesty's Reign, and of Our Lord Christ one thousand seven hundred & forty one.

"GEORGE THOMAS.

"By Command.

"PAT. BAIRD, Secry.

"GOD SAVE THE KING."

At a Council held at Philadelphia, October the 3d, 1741.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieuten^{t} Governor.

Samuel Preston, Thomas Laurence, } Esqrs.
Samuel Hasell, Thomas Griffitts, }

The Governor laid before the Board the several Returns of Elections for the Year ensuing, & having nominated the Persons to be Sheriffs & Coroners agreeable to the said returns, & no Objection being made thereto,

Order'd,

That Commissions be made out to John Hyatt, Esqr., as Sheriff, & Henry Pratt, Gentl., as Coroner of the City & County of Philada, to Benjamin Davis, Esqr., as Sheriff, & Awbrey Bevan, Gent., Coroner of Chester County, to James Mitchel, Esqr., as Sheriff, Joshua Lowe, Gent., as Coroner of the County of Lancaster, and to Joseph Jackson, Esqr., as Sheriff of the County of Bucks, for which County no Application hath as yet been made by the Coroners returned, & therefore no Coroner's Commission Ordered.

The Governor also Ordered the Commissions be made out to John Gooding as Sheriff, & Henry Gorme as Coroner of the County of Newcastle, Samuel Robisson as Sheriff, & Edmond Badger as Coroner of the County of Kent, & Peter Hall as Sheriff, & Peter Clowes as Coroner of the County of Sussex.

October 12th. John Hart, one of the Persons returned for Coroner of Bucks County, applying to the Govern^{r} for the Commission, His Hon^{r} was pleased to Order it to him accordingly.

At a Council held at Philadelphia, October the 14th, 1741.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieuten^{t} Governor.

Samuel Preston, Samuel Hasell,
Ralph Assheton, Thomas Griffitts, } Esqrs.

Carawtawsey, Stawyuntis, Chiefs of the Cayooges, accompanied with some others of the same Nation;

Conrade Weiser, Interpreter.

The Governor, by the Interpreter Conrade Weiser, desired to know of the Indians what was the particular Occasion of their coming down hither at this Time, and whether they had heard any News or other Matter of Consequence, & if they had, he desires them to communicate it.

To which Carawtawsey answers:

"That the Chiefs of the six Nations had last Spring agreed to come down some time this Summer to see their Brother Onas (Mr. Penn), & to receive from him payment for certain Land, but it having been a very severe & scarce Winter, insomuch that some of their ffriends had perished for Want, and hearing that the Governor of New York had provided them some Victuals at Albany, they had first sent thither for them and afterwards agreed that the Chiefs of all their Nations should set out at last full Moon to meet altogether at Weyomin, in Order to proceed to Philad^{a} which these did, but not meeting their ffriends of the other Nations, and being come so far from home, they resolved to come down by themselves to see their Brethren here to know whether we had any News that concerned them; That this Summer the Governor of Canada had sent to invite the Chiefs of all their Nations to come to him to a Treaty, and that accordingly some Chiefs from each Nation had gone to him & was expected to have returned some time since, but not being returned, he does not know but they might have brought some News from thence that might detain them."

To which the Governor replied:

"That he was very glad to see them; that he was very sensible of the friendship that had long subsisted between them & the English, which he would at all Times, to the utmost of his Power, cultivate & improve; That Mr. Penn had hoped to have seen the Chiefs of their Nations here this Summer, but being disappointed therein and being obliged to go for England he had left the Governor in his place, and all the Goods to pay the Indians what was due, which he would faithfully do, and he hoped their Chiefs would come next Spring to receive them.

"That as for News they well knew that England had for some time been at warr with Spain, but that now there was some talk of

an approaching Warr with ffrance, but no Certainty of it; That if such a Warr does break out the Governor will let his ffriends the six Nations know of it, And he depends upon their ffriendship & fidelity to the English upon such an Emergency."

The Governor then proposed to the Board that on this Occasion it would be highly proper to make a Present to these Indians, which is unanimously approved of by the Board, and resolved that it be of the Value of twenty Pounds, at the Least.

The Governor then informed the Indians that as they are our ffriends he would not let them go home empty-handed, but would order some Cloathing & Provisions & some Powder, Lead, & other things to be got in readiness for them by to-Morrow, for which the Indians expressed their Thanks.

The Governor then laid before the Board a Letter he had received from some Chiefs of the Shawonese & Mingoes, dated at Aligheny, the 19th of Sept. last, Complaining of Quantities of Rum being brought amongst them, & said he would make Enquiry into this Matter of the Employers of those Indian traders who carried Rum into the Woods.

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October 15th.

In Pursuance of the Resolve of Yesterday the following Goods were prepared & delivered to the Indians, Viz^{t}:

14 Dussels,
12½$^{lb.}$ Powder,
¼ C$^{ts.}$ of Lead,
13½ Y$^{ds.}$ Half thicks,
1 p^{r} fine 3-4 Gartix for 10 Shirts,
2 Dozen Pipes,
25$^{lb.}$ Leaf Tobacco,
½ Doz^{a} Large Tobacco Tongs,
½ C. fflints,
5¼ Gallons Rum,
1 C$^{t.}$ Biskett, 22.

Cash paid Conrade Weiser for making the Shirts, 10; paid D^{o} to buy 10 Bushels of Meal, 30; paid Do. to bear the Indians Expences homewards & for mending their Hatchetts, 20.

Which when they had received they Expressed their thankfulness, And bid the Governor farewell.

At a Council held at Philadelphia, November 4th, 1741.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieuten^{t} Governor.

Samuel Preston, Samuel Hasell, } Esqrs.
Ralph Assheton, Thomas Griffitts, }

The Governor laid before the Board a letter which he had lately

received from the Board of Trade, accompanied by two Acts of Parliament passed last Sessions, Viz^{t}:

"AN ACT to prohibit, for a time therein limited, the Exportation of Corn, Grain (Rice Excepted), Meal, Malt fflour, Bread, Biscuit, Starch, Beef, Pork, & Bacon."

"AN ACT for licensing the Importation of Victual from Ireland & other parts beyond the Seas into Scotland, in time of Dearth & Scarcity."

The Secretary then laid before the Board an Attested Copy of the Conviction of John Bullock for ffelony & Murder, under the Hand of the Clerk of the Court of Oyer & Terminer, lately held at Philada., & it being notorious that this Murder was of the Blackest & most barbarous kind, The Governor signed a Warrant for the Execution of the Criminal, to be on Saturday next.

At a Council held at Philadelphia, Nov^{r} 23d, 1741.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieuten^{t} Governor.

Samuel Preston, Thomas Laurence, } Esqrs.
Samuel Hasell, Thomas Griffitts, }

The Secretary laid before the Board the Returns made by those Persons of Chester & Philadelphia Counties who, by the Order of this Board of the 11th of June last, were directed to View, lay out, or Continue the Road from Lancaster to the ferry at the West End of High Street in Philadelphia City, Viz^{t}: Beginning where part of the same Road laid out in the Year 1733 terminates, near John Spruce's Plantation in Chester County, which was Read, and is in these Words:

By virtue of the annexed Order of the Honourable Governor & Council, We, whose names are hereunder written, have viewed & laid out a Road from the End of John Spruce's Lane, in the County of Chester, to the Line dividing the said County of Chester from the County of Philadelphia, which said County Line is near the House of Rees Thomas & David James. To which no one Objected. The Courses & Distances of the said Road being Also hereunto annexed under the Handwriting of Benjamin Eastburne, deceased. Witness our Hands this sixth Day of November, 1741. Wm. Moore, Thomas Thomas, Saml. James, Nathaniel Grubbs, Joshua Thompson, Wm. Graham.

"In Pursuance of the annexed Order of the Honorable Governor & Council, We, the Subscribers, have View'd and Continued the Road from the Line dividing the Counties of Philadelphia & Chester, as before-mentioned, to be near the Houses of Rees Thomas & David James To Schuylkil at the West Side of High Street ferry,

The Courses & Distances being also hereunto annexed. As Witnes our Hands this tenth Day of November, 1741. Richard Harrison, Hugh Evans, Edward George, Wm Thomas, Robt Jones.

"July 20th, 1741. Conestogo Road surveyed: Beginning at the End of John Spruce's Land, & extending thence within the Township of Whiteland, in Chester County, North 72° East 120 Perches, thence North 70½° East 80 Ps, thence North 74° East 90 Pches, thence North 78° East 56 Pches, thence North 81° East 240 Pches, thence North 72° East 40 Pches, thence North 69° East 84 Pches, thence North 65° East 48 Pches, thence East 20 Ps, thence North 69° East 40 Pches, thence North 73° East 62 Pches, thence North 69° East 66 Pches, thence South 88° East 88 Pches, thence South seventy-seven Degrees thirty-six Perches to the End of Pextang Road, thence on it to Kinnison's Run, thence North 62° East 40 Pches, thence North 54½° East 40 Pches, thence North 82° East 134 Pches to Paschal's Run, thence North 88° East 54 Pches, thence South 85° East 58 Pches, thence East 96 Pches to the Sweede's ford Road, thence South 53° East 66 Ps to a Chesnut Tree, thence South 44 Degrees East 22 Pches near to Robert Powel's House, then leaving the Old Road and on George Aston's Land South 72° East (at 200 Pches a Run) 280 Ps at the Old Road, then on it South 33½° East 24 Pches, then in Willistown South 33½° East 20 Pches, thence South 35° East 31 Pches, thence South 86° East 60 Pches, thence South 89° East 60 Pches, thence North 84° East 40 Pches, thence North 79° East (at 78 Pches the Western Line of Burge's Tract we Continue to) 86 Pches, thence North 83° East 90 Pches, thence South 82° East 124 Pches, thence North 87½° East 96 Perches (about 6 Pches further is William Evans' Smiths' Shop), then in Tredyffryn Town^p North 86 East 84 Pches, thence South 85° East 64 Pches, thence South 75½° East 62 Pches, thence South 81° East 56 Pches, thence South 86 East 166 Pches to the Sign of the Ball, thence North 58° East 128 Pches, thence North 62½° East 34 Pches, thence North 56½° E. 30 Pches, thence North 70° East 84 Pches, thence North 67° East 68 Pches, thence North 73½° East 34 Pches, thence South 87° East at 42 Pches enter'd East Town Continued in it to 62 Ps, and thence South 74½° East 40 Pches, thence South 81° East 28 Pches, thence North 84° East 102 Pches, thence South 74° East at 60 Pches a Line of Tredyffryn & in it to 80 Pches, & thence South 88° East 34 Perches, thence South 70° East 86 Perches, thence South 63° East 50 Pches, thence South 46° East 70 Pches, thence South 54° East (at 25 Pches Radnor upper Line, & contin^d in it to 55 Pches, which is near Jn° Sam^l House), thence South 52° East 46 Pches, thence South 57° East 184 Pches, thence South East 28 Pches, thence South 28° East 40 Pches, thence South 55½° East 46 Pches, thence South 51° East 64 Pches, thence South 52° East 48 Pchs, thence South 81° East 30 Pches, thence South 63° E. 104 Pches to a Run, then up a Steep Hill South 78° East 20 Perches,

thence South 62° East 110 Pches, thence South 87° East, at 28 Perches Radnor Meeting House, at 48 Ps. Germans Run Contin^{g} to 70 Perches, thence South 53° East 14 Pches, thence South 42° East 26 Perches, thence South 70° East at 20 Pches the Tavern at 130 Pches Samuel Harry's Lane End, thence south 59° East at 60 P^{s} his House, thence South 81° East 186 Pches to —— James's Lane End, thence South 62° East 66 P^{s} thence South 54° East 58 Pches down the Hill, thence South 85° East 44 P^{s} the House ten Perches on the Left, thence South 63° East 72 Pches to the County Line, Thence from Radnor Line, in Merion Township, South 45° East 48 Pches, thence South 63° East 140 Pches, at 6 Pches David Ries' Shop, then the County of Chester Line, thence South 65½° East 112 Pches to Benjamin Humphrey's Upper Line, being the County of Philada. Line, thence South 82° East 104 Pches, the Gulf Mill Road, thence South 63° East 36 Pches, thence South 49° East 48 Pches, thence South 39° East 48 Pches to Benjamin Humphrey's Line, thence on Edward Humphrey's Land South 51° East 144 Pches, at 102 Pches Richard Hugh's Upper Line, at 134 Pches his House, thence South 81° East 120 Pches, thence South 64° East 38, Pches, thence North 66½° East 76 Pches, thence North 41° East 58 Pches, thence North 71° East 52 Pches, thence North 86° East 88 Pches, thence South 64½° East 22 Pches, thence South 55° East 27 Pches to Evan Jones' Lower Line, thence South 60° East 136 Pches, thence South 56° East 84 Pches, at 10 Pches Merion Meeting House, thence South 75° East 38 Pches, thence South 63½° East 72 P^{s} at the ford Road, thence south 78° East 66 P^{s} thence South 41½° East 58 P^{s} at 48 Pches Richard George's Upper Line, thence South 23½° East 82 Pches, at 61 Pches Richard George's Lower Line, thence South 33° East 106 Pches to Blockley Line, thence South 24° East 42 Pches, thence South 6° West 73 Pches, Edward George's Upper Line, thence South 10° East 208 P^{s} at 136 Pches the Lane to Edw^{d} George's House, at 166 Pches David George's Lane, thence South 24° East 84 Pches, David George's Run, thence South 45½° East 550 Pches to Haverford Road, thence South 52° East 294 Pches to Peter Gardner's House, and thence South 74° East 100 Pches to High Water Mark at the End of the Causeway at the West side of High Street Ferry.

And no Objection having been made to any part of the said Returns, the said Road is by the Authority of this Board Confirmed; And Ordered, That the Overseers of the High Roads for the respective Townships in the Counties of Chester and Philada. do cause the said Road, according to the Courses and Distances abovesaid, to be Opened & Cleared forthwith.

At a Council held at Philada., Decr. 14th, 1741.

PRESENT:

The Honble GEORGE THOMAS Esqr., Lieut. Governor.

Samuel Preston, Anthony Palmer,
Clement Plumsted, Samuel Hasell, } Esqrs.
Thomas Griffitts,

Pursuant to the Letters of Summons wrote by the Secretary to all the Members of Council by the Governor's Command, informing them that as the Members were few and some of them lived out of Town, it frequently happened that a sufficient number could not be got together for the dispatch of Publick Business, and that he therefore judged it highly necessary that an addition should be made. The Board being now met, His Honour proposed William Till, Abraham Taylor, and Robert Strettell, Esqrs., as persons well qualified to fill up three of the vacant Seats, acquainting the Board at the same Time that they were not only thought so by himself, but they had been approved of the Honble Thomas Penn, Esqr. one of the proprietors, before he left the province, To which Nomination no materiall Objection being made,

It is Ordered, That William Till, Abraham Taylor, and Robert Strettell, Esqrs. have Notice severally given them hereof by the Secretary, and that they be summoned to attend at the next Meeting of Council, in order to take the usual Qualifications and their places at the Board.

The Governor then observed, that as by an order of this Board of the 12th of May last, the Exportation of all provisions from home to any other than some part of his Majesty's Dominions, was altogether prohibited until further Order, and as he has since received a Printed Copy of an Act of Parliament from the Right Honble the Lords Commrs. for Trade and Plantations, to the same purpose, which continues in force until the 25th instant.

Ordered, That Notice be given to the Officers of the Customs in this Province, that they are no longer to observe the foresaid Order of the 12th of May last, but are henceforth to pursue the Directions given by the Act of Parliament aforesaid.

At a Council held at Philadelphia, Decr. 22d, 1741.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut. Governor.

Clement Plumsted, Thomas Laurence, } Esqrs.
Samuel Hasell, Thomas Griffitts,

The Minutes of the preceeding Council were Read and Approved;

And the Secretary, according to Order, having waited upon Wil-

, Abraham Taylor, and Robert Strettell, Esq^rs, and signified
ll to the Board, the same Gentl., in pursuance of their
s, attending, did severally take and subscribe the usual
ions, and then took their places at the Board.

overnor then laid before the Board a petition which he had
from the Justices of the Peace for the County of Chester,
rth, That upon an address of the Grand Inquest and some
bstantial Inhabitants of the said County, complaining of
ises that had been committed within the said County by
of defective Weights & Measures, the petitioners had (in
e of a Law of this province, entitled "An Act for the
g of Weights & Measures") directed the purchasing of
s of Brass for Weights & Measures, according to his Ma-
tandards for the Exchequer, and praying that the Governor
pleased to appoint an Officer to keep the said Standards,
eal and Mark all Weights & Measures within the said
Which being read, the Governor acquainted the Board that
ylor, of the said County of Chester, has been recommended
s a Proper Person to execute the foresaid Office, Of whom
d approving, his Honour ordered that a Commission be
Constituting the said Isaac Taylor Regulator of Weights
res in and for the said County of Chester.

AND.

4th. The Assembly sent two of their Members to acquaint
rnor that the House was Met pursuant to their Adjourn-
d ready to go upon any business the Governor should be
o lay before them. To which the Governor answered that
send them a Message next Day.

Council held at Philadelphia, Janry. 26th, 1741–2.

PRESENT:

Honble GEORGE THOMAS, Esqr., Lieut^t Governor.

Plumsted,	Samuel Hasell,	Esqrs.
sheton,	William Till,	
Taylor,	Robert Strettell,	

Minutes of the preceeding Council being read and approved,
overnor acquainted the Board that during the Late Session
ibly some Messages had passed between him and the House
sentatives, which he Ordered to be read, the first whereof
ows, viz^t:

tlemen:

ral of the most substantial Germans now Inhabitants of
vince, have joined in a Petition to me, setting forth in

Substance, That for want of a Convenient House for the reception of such of their Countrymen as, on their Arrival here, laboured under Diseases Contracted in a long Voyage, they were obliged to continue on board the Ships which brought them, where they could not get either Attendance or Conveniences suitable to their Condition from whence many have lost their Lives; And praying that I would recommend to the Assembly the Erecting of a proper Building at the publick Expence, not only to accomodate such as shall arrive hereafter under the same Circumstances, but to prevent the future Importation of Diseases into this City, which has more than once felt the fatal Effects of them.

"The numbers of People which I observed came into this Province from Ireland & Germany, pointed out to me the necessity of an Hospital or Pest-House, soon after my Arrival here; And in 1738 I recommended it to the Assembly of that year, who seemed so far from disapproving it that they gave me hopes of building one so soon as the Circumstances of the Province should admit. I very heartily wish for the sake of such ffamilys, Inhabitants of this City, as suffered in the late Mortality by the Loss of some who were their Chief Support, and will therefore feel it for Years to come, and on Account of the Irish & German Strangers, that it had indeed been done so soon as the Circumstances of the Province did admit of it. But as it can profit nothing to bewail Evils past, I hope you will now make the proper Use of them by doing all in your Power to Prevent the like for the time to come.

"I am not insensible that some look with jealous Eyes upon the yearly concourse of Germans to this Province, but the Parliament of Great Britain see it in a different Light, and have therefore given great Encouragement by a late Act to all such foreign Protestants as shall settle in his Majesty's Dominions; And indeed every Man who well Considers this Matter must allow that every industrious Labourer from Europe is a real addition to the wealth of this Province, and that the Labour of every foreigner in particular is almost so much clear Gain to our Mother Country.

"I hope I need not take up more of your or my own Time to convince you that what is now again recommended is both for the interest of the Province and the Health of this City. Evils felt are the most convincing Arguments. I shall only add, that as Christians and indeed as Men, we are obliged to make a Charitable Provision for the sick Stranger, and not by Confining him to a Ship inhumanly expose him to fresh Miserys when he hopes that his Sufferings are soon to be mitigated. Nothing but the building an Hospital or Pest-House in a proper situation can, in my Opinion, be a suitable Charity or an Effectual security for the future, more especially as the Country people are grown so apprehensive of the Disease that they will not be perswaded to admit the infected into their Houses. "GEO. THOMAS.

"Jan^{y} 5th, 1741."

To which the Assembly returned the following Answer:

"A Message to the Governor from the House of Representatives.

"May it please the Governor:

"As great numbers of People from Ireland & Germany are early imported into this Province, some of whom have been afflicted ith Malignant & Dangerous Distempers, it is Evident to Us that convenient House to accommodate such as shall hereafter arrive der the like Circumstances, may be of great Use to them, and a ans to prevent the spreading of infectious Distempers among Us, e Effects of which the City of Philadelphia has lately felt, altho' think a due Execution of the Laws might in part have pre- ted them. How this failure happened, at whose Door it ought lye, and the Means of preventing it for the future, we shall take ther Occasion to Consider, and therefore wave further Notice of ere.

'When the Governor was pleased to recommend the Building an spital or Pest-house to the Assembly in the Year 1738, it was ught too great an undertaking for the Circumstances we were n in; and if it be Considered that the Province hath since been reat and unusual Expences, we think it may justly be said that State of the Public Treasure neither at present nor at any time e the year 1738, hath been in a much better Condition for such Undertaking than it was at that Time. Nevertheless, as it will only be Charitable to Strangers who may hereafter come among in the distressed Circumstances before mentioned, but also of efit to the inhabitants of this Province, we are therefore deter- ed to take this Matter into Consideration, and to direct a plan e proposed and an Estimate made of the Money which would requisite for the Building and yearly maintainance of such an spital, to be laid before Us at our next Sitting. In the mean e, as it is a Matter of Considerable Importance, we may have Opportunity of knowing more generally the Minds of our Con- uents, and it will give such of them as shall think it fit an Oppor- ity of applying to Us touching the necessity of such a Building, the Manner of doing it which may render it most useful & least thensome to the Province; And on the whole we may the bet- be enabled to judge of the part it will become Us to act in the air.

'Who they are that look with jealous Eyes on the Germans the rernor has not been pleased to inform Us, nor do we know; hing of the kind can be justly attributed to Us, or any prece- g Assembly to our knowledge; On the Contrary, the Legisla- e of this Province, before the late Provision made in the Parlia- nt of Great Britain, have generally, on application made to them, nitted the Germans to partake of the Privileges enjoyed by the g's natural born Subjects here, and as we look upon the protest-

ant part of them in general to be Laborious, Industrious people, we shall chearfully perform what may reasonably be expected from Us for the benefit of those already amongst Us, and such who may hereafter be imported.

"Signed by Order of the House.

"JOHN KINSEY, Speaker.

"The 7th of the 11th Month, 1741."

To which the Governor replied as follows:

"Gentlemen:

"I am not a little pleased to find by your Message of Yesterday that you agree to the necessity of building a Pest-house for the reception of Sick strangers, and to prevent the Spreading of infectious Diseases they may happen to have Contracted in their Voyage hither, and I cannot allow myself to doubt of your taking speedy & proper Means for the Completion of so charitable a Work.

"Whilst the German petitioners complain that many have lost their Lives by being confined to the ships, you express your Dissatisfaction that the Laws have not been Executed; that is, I suppose, that sick passengers were not confined to the Ships. A former Assembly, however, composed of many of the same Members with the present, after the very same Measures taken as to me, were pleased to tell me in their address 'That they had a grateful sense of my Care in putting in Execution the Law for preventing sickly vessels coming into this Governm^t' But all I say or do now must be wrong. The Resolutions of the last Assembly on this Matter sufficiently explain to me what is meant by 'taking another occasion to consider at whose Door the late Sickness in Philadelphia ought to lie.' I shall be glad to see your attempt to justify what was insinuated & assumed in those Resolves; Accusations & Complaints are no new things to me, but thanks to my Integrity they have been so far from doing me a prejudice that they have shown me to his Majesty & his Ministers in a Light more advantageous than I could have otherwise expected; ffor this favor tho' not designed as such, Gentlemen, I thank you.

"If I do not strictly adhere to form in imputing to you what was done by the two preceeding Assembly's I hope you will excuse me, for as you are nine in ten of you the same Members, I know not yet how to separate your actions from your Persons.

"I cannot but differ with you (which I am sorry is too often the Case) in the State of the Public Treasury since 1738, for the Public accounts in my Opinion shew that the Province has at no point of Time since been unable to Erect the proposed Building; you have, I confess, been at some unusual Expence, but I cannot call it great as you do, since £1,500 out of the £2,500 said to be Expended has been stopt out of my support. I know of no other call Upon

Province since for an Unusual Expence. If you have generly and out of Compassion for the Sufferings of your fellowbjects in Britain remitted £3,000 to your Agent for their Relief, onclude you were well able to spare it, And that otherwise you uld not have done it.

'Either the Memory's of some of your Body who were Members 1738, must have failed them very much, or their Sentiments of Importation of fforeigners are, for very Substantial Reasons, sh alter'd; ffor, not to dwell upon a small Instance of the asbly's Displeasure to me at that Time for saying a little too much the Industry of the Germans, I refer you to your Minutes for Assembly's address to the Proprietor in 1738, to convince you t what I said of their having been looked upon with Jealous s by some, was not altogether without foundation. What follows r be found in that address.

'And this House will, in a proper Time, readily join with the ernor in any Act that may be judged necessary, as well for proing the property of the Proprietors and others from such unjust usions for the future and for preservation of the peace of the ernment, as for Guarding against the Dangers which may arise a the great & frequent Importation of fforeigners.

"GEO. THOMAS.

January 8th, 1741."

Into which the Assembly returned the following Message of 7. 16th:

"A Message to the Governor from the Assembly.

'May it please the Governor:

'As the Contents of our Last Message relating to the Building Hospital or Pest-House for sick Strangers seems to have given Governor Content, it would be needless to add any thing on t Subject at this Time. But since we are not so happy as to e given equal Satisfaction in every other part of our Message, must desire to be excused in returning this to remove those Miss which, by the Construction the Governor has been pleased to on some part of that Message, it is apparent he either is or uld seem to be under.

'The Governor's bewailing the Loss divers ffamilies in this City lately sustained by the Spreading of an Infectious Distemper, us to observe, 'That a due Execution of the Laws might in part e prevented it;' ffrom hence the Governor takes Occasion to us, that 'whilst the German petitioners complain that many have their Lives by being confined to the Ships, we Express our Disfaction that the Laws have not been executed,' that is, as the ernor is pleased to suppose, 'that sick passengers were not Con-d to their Ships.'

"If a due Execution of the Law necessarily required that sick passengers must be Confined to their Ships, there had been some Colour for this Supposition, but if the Law might have been duly executed without such Confinement, the Supposition is altogether Groundless.

"The Governor, in his Speech to the Assembly in 1738, among other Things was pleased to tell them 'That the Law to prevent sickly Vessels from Coming into the Government had been strictly put in Execution; that the Masters were obliged to land such of the passengers as were sick at a distance from the City, and to Convey them at their own Expence to Houses in the Country convenient for their Reception.' The Governor at that time not only thought a 'strict Execution of the Law necessary,' but that even by executing the Law strictly, 'Masters of Vessels were obliged to Land such of the passengers as were sick at a convenient Distance from the City, and to convey them at their own Expence to Houses in the Country convenient for their reception.' The Law is the same at this Time it then was; And if the Method then taken by the Governor was consistent with a Strict Execution of the Law in his own Sense, why should he suppose it to be otherwise at this Time in Ours?

"That the Assembly of 1738 (which was composed of divers of the same Members as the present) did, in their Address, acquaint the Governor 'that they had a grateful sense of his Care in putting the Law in Execution for preventing sickly vessels coming into the Government,' is very true; But does it, therefore, follow that no Slackness, no failure, hath happened in the Execution of the Law since that Time. We own that if the Governor hath, ever since the year 1738, taken the same Care and 'the very same Measures' as before, his Merit must be the same now as it then was; And whenever he is pleased to give Us Demonstration of this we shall as chearfully make grateful acknowledgm^{t} for the part he hath acted as the Assembly at that time did; and yet it not only may, but we think on Examination will appear that the Law before mentioned in one or more late instances hath not been duly put in Execution, And therefore we shall have just occasion to enquire at whose Door the failure ought to lye. If this Enquiry and our undertaking to support the Resolves of the last Assembly to which the Governor is pleased to allude, will Afford him any Occasion of Joy, he will be gratified.

"'Accusations and Complaints,' the Governor is pleased to say, 'are no new things to him,' and with his Leave we would Add nor ought to be so whilst the Causes of them remain. But why they are mentioned on this Occasion the Governor best knows. If it has been to take an Opportunity of publishing his Integrity and the advantageous Light in which, in his own Opinion, he appears to his Majesty & his Ministers, altho' we have no other Credentials to

support it than his own, Yet being unwilling to detract from his Merit, we shall leave the Governor in possession of all the Applause he has thought fit to bestow upon himself, and are content to forego his thanks for a favour to which we claim no right.

"We must, however, be allowed to add, that it will be difficult to perswade the freemen of this province there are any thanks due from them to his Integrity, until he shall be able to reconcile his repeated & solemn promises of supporting Us in our Religious & Civil Liberties with the Late clandestine Attempt he has made to deprive Us of both.

"As to the State of the public Treasury, in which the Governor is pleased to differ in Opinion from Us, tho' we observe he changes the Terms of the Question between Us, it is a matter of too little Consequence to take up his or our own Time about. The Contents of our former Message, on the nicest scrutiny, he will find to be true, and it will be easy to demonstrate that there was no point of Time, either in the Year 1738 or any Time since, in which the Province has been less able to build the Hospital proposed than at the present, The reason of which must be evident to any one who will reflect on the Expences the Province has lately been at, which we think was justly termed great as well as unusual.

"The Governor, indeed, is pleased to say that we have Stopped £1,500, part of this unusual Expence, out of his support; but he may remember that since his Accession to the Government he hath received divers sums of Money, arising by ffines, fforfeitures, Licensing publick Houses, and other perquisites of Government, amounting, from the best Judgment we can form, to near £1,000 P annum, some of which he hath no right to, and double the yearly Sallary some of our former Governors received. Besides, when the Governor was pleased to Enumerate some of the Articles in which his unusual Expence consisted, he might (with others of less Monent) have added one of upwards of £1,400 more than he hath nentioned, payable to the proprietors the last & present Year. The rticle of £3,000, given to the King's Use, was chearfully & unaninously given, how generously let others judge. But the Governor an best inform Us what purpose it was intended to serve, and how onsistent it is with those great professions of Loyalty & regard to he Crown he has sometimes boasted of, to represent the Money thus iven as if it were Alms to be distributed amongst some of our ellow Subjects in Distress. However, if we judge rightly, the Effect it is intended to have may easily be guessed at and is little o be feared.

"In the year 1738 advertisements were published enjoining such who had contracted for Lands with the Proprietors by a time prexed to fulfil their Engagements, and that those who had settled on heir Lands without Leave, should apply & agree for the same or hat they should be turned out of their possessions; the Time being

near Expired, divers of them Petitioned the Assembly of that year praying their interposition & good Offices to procure them a longer Time. The Assembly in Compassion to their Circumstances accordingly addressed the Proprietor and did obtain longer time. To Induce the Proprietor with more readiness to grant the Indulgence, the Assembly in that address declared they would, at a proper Time, join with the Governor in any Act that might be judged necessary for protecting the property of the Proprietors and others from the unjust Intrusions not only of such persons who were in the Province, but against foreigners after to be imported.

"This must manifestly appear to be the intent of their Address to any one who will be at the Trouble impartially to peruse it, with the Proprietor's answer, ffor he not only approved of the Assembly's proposition but promised 'he would in the most effectual Manner recommend it to the Governor to join with the Assembly in all Acts necessary for those good purposes.' Now, what can be more unreasonable than to suppose that the Assembly at the time they were addressing the Proprietor for a favour to fforeigners should have so great a Dislike to them as to be against the future Importation of them; Or that the Proprietor should agree to such a proposition in the Sense the Governor contends for, when it is evident the greater the number of people which come into the Province the more the Proprietor's Interest is advanced. Be this as it will, we have already declared all we understand the Assembly at that time had in View. It is true there has been a considerable Change in the Members of the Assembly since that Time, and those who had the Principal Conducting of that Affair (now no Members of our House) but such as we presume have since had no small Share in the Governor's Confidence, who for ought we can say may have had & communicated to him their different Views. If these be the persons who looked with jealous Eyes on the Germans, as it is more than we know, so we think ourselves under no Obligations to justify their Conduct.

"Signed by order of the House.

"JOHN KINSEY, Speaker.

"11th mon. 16, 1741."

The Governor then laid before the Board a copy of a Report of a Committee of the Assembly, with the Resolves of the House thereupon, both attested by their Clerk, which are as as follows:

"We have, in Obedience to an Order of the House, taken into our Consideration the Resolves of Council, dated the 14th of September last, & some time after published in the Weekly Mercury, & although we look back with Concern on some unhappy Disputes in which our late Assemblys have been necessaryly engaged, and are humbly of Opinion it will be prudent to avoid them as much as may be for the future, yet as the Resolves referred to our Consideration highly reflect on the Conduct of the last Assembly, & con-

tain divers Matters which we Conceive are destructive of those Liberties & Privileges the ffreeman of this Province have Right to Claim, it will become the House to take proper Notice of them. We can by no means perswade our Selves it was the Unanimous act of that Board, and even such of them who may have Assented to those Resolves whenever they are pleased cooly to re-consider the same, will find sufficient Cause to alter their Opinions.

"In order to introduce our sentiments of what is fitting to be done therein, it will be necessary to State the ffacts in a true Light, to observe wherein we apprehend the Governor & Council are mistaken, and then to make such Remarks as have occurred to us in considering those Resolves.

"And first as to the ffacts:

"That Doctor Grœme for many Years before our present Governor's Arrival, was appointed by the Governors for the Time being, with the Consent of the Council, to visit unhealthy Vessels, may be true, and that he might be continued in the trust by the present Governor, with the Consent of his Council, from whom or from some of the Magistrates, as we have ever understood it, the Doctor was to take his Instructions both when and what Vessels to Visit.

"Doctor Grœme, in the Year 1740, did Exhibit an Account to the then Assembly, in which the Province was charged in the words following, viz^{t}: To going on Board Visiting & reporting to his Honour, the Governor, the State and Condition as to Sickness & Health of six Palatine Vessels, and one with Negroes from South Carolina, at a Pistole each, £9 16s.

"When this Account came to be Considered in the House, it was objected that it did not appear who the Masters of those Vessels were, nor what the names of the Vessels so visited, without which the House were not furnished with the proper Means of enquiring into the Services done, or to judge of the Recompence due for them; neither did he make it appear to the Committee to whom his Accounts were referred, that those Vessels he had visited were sickly, nor that he had any Orders either from the Governor & Council or from any of the Majistrates, to visit them, without which the Assembly were of Opinion that the Doctor could claim no greater Right to make such a Charge against the Province than any other Person; and further, that it ought not to be left either at the discretion of the Doctor or any other persons employ'd in that Service what Vessels to visit, otherwise every Vessel which came into the Province might be visited, and by that means a great and unnecessary Charge brought on the Publick. These reasons induced the House not to pass his Account that Year.

"In the Year 1741 Doctor Grœme again exhibited the same Account, together with another for like services, amounting to £8 8s, both which are there said to be done by Order of the Governor &

Magistrates until August, 1741. But what Vessels he had thus visited he did not give any satisfactory Information, save as to one.

"On these two Accounts the Assembly allowed him £10, which is in Proportion to the Payment made him for like Services by the Assembly of 1738. And if what we are informed be true, the Masters of the Vessels visited have usually made Considerable Allowance to the Doctor besides.

"How regularly the Doctor attended the Service, or how great the Care of the Governor & Council hath been in respect to Sickly Vessels, we shall leave others to judge. Yet some of Us do remember that a Palatine Vessel with sick Passengers on board came into our River in the Year 1738, and on the Doctor's Report (as we are informed) that it was no other than a Common Ship Distemper, was admitted to come up to the City; but by its spreading it soon appeared Malignant, and the Vessel was Ordered away from the Port. In this instance the Governor & Magistrates acted a part that became them, for the infection of the Distemper after appeared in one remarkable Instance to the Southward of this City, where a Person who received some of those sick people into his House was with most of his ffamily taken away by the Distemper.

"The Governor & Council are further pleased to say, 'that since the Assembly desired to pay for those services, not only the said Doctor Grœme has for the most part declined performing them, but Doctor Lloyd Zachary & other skilful persons of the same profession have refused to visit Vessels suspected to be sickly, upon Application made to them by the Governor's Order, whereby unhealthy Ships have come to this Port & Landed many persons afflicted with the Mortal & Contagious Disease now in this City, &t., ffrom whence it is the Opinion of this Board that the present Mortality is chiefly owing to the Conduct of that Assembly, who, in Effect, discharged Doctor Grœme from so necessary a Duty without even attempting to get his place supplyed by another, &t.

"On this very remarkable Paragraph we beg leave to observe:

"1. That when we consider the Time & uncommon Manner in which these Resolves were published, we are inclined to believe they were calculated to influence the Elections on the first of October following.

"2. The Assembly did not deny to pay Doctor Grœme. In our Opinion he has been fully rewarded for the Services he did. It is true that the payment was postponed for some Time until Enquiry was made whether the Services were done by proper Authority. If in this Instance too great a Regard was shewn to the Governor & Magistrates, they at least may excuse it.

"3. Doctor Grœme, on exhibiting his last Account in the 6th Month, 1741, intimated his Desire of being excused from the Service, before which Time the Assembly had done no Act to discharge

him, and the mortal Distemper having then spread in the City, that no Care might be wanting on their part to remedy the Neglect which Evidently appeared, the Assembly the same Session by their Resolves, dated 22d 6th Month, 1741, did nominate Doctor Lloyd Zachary to the Service. If the Governor, Council, & Magistrates do not think fit to Employ him, the Consequences which attend it must lie at their Door.

"4. Doctor Grœme in his Account charges the Province for Services done to August, 1741. This Shews he did not look upon himself to be discharged at that Time, and this must also have been the sentiments of the Assembly or they would not have paid his Account for those Services.

"5. That if the Governor & Council did look upon the Doctor to be in Effect discharged in 1740, And had the Good of the Province so much at Heart, as they would have us believe since other Physicians had refused to visit Sickly Vessels on the Governor's Application, Why did they not apply to the Assembly for some Remedy, but suffer the Affair to lie Dormant for a Year? And why should they suppose the Doctor look'd upon himself to be discharged merely because his Account was unpaid for one Year, when by his Petition presented in 1738, recommended by the Governor, he had been silent in point of any reward for upwards of twenty Years?

"6. That some unhealthy Vessels did come into the Port is true, particularly one of Charles Willing's, another of Peter Baynton's, and the Passengers brought on Shore from one or both of these Vessels lodged in divers parts of this City, by which Means, from the best Accounts we can get, the late Mortal & Contagious Distemper was spread in this City; and no Directions were given by the Governor, nor any care taken by the Magistrates, that we could ever learn, concerning it. To the want of Care in these Instances, therefore, Principally in our Opinion (and not to any Conduct in that Assembly), it was that the spreading of the late Mortal Distemper was owing.

"The Governor & Council further say, 'the Duty of our Stations and the Trust reposed in Us by a Law of this Province concerning Sickly Vessels, and the Acquittal of our selves from all Imputation if further ill Consequences should attend imported Distempers hereafter, oblige Us to declare that the above appointment by the House of Assembly (of a Person to attend sickly vessels) is unprecedented, illegal, and unwarrantable; And therefore this Board cannot regard the Person so appointed, or any reports by him made, altho' in every other respect they think him well qualified for the Service.'

"This Paragraph, and part of a former, make the Governor & Council in Effect to say, that though Doctor Grœme has, for the most Part, declined to visit Vessels, And altho' Doctor Zachary, if duly appointed, would be a person every way qualified for the Service, Yet the Duty of their Station and the Trust reposed in them

by a Law of this Province, oblige them to declare they neither would appoint him nor regard his Report, meerly because the Assembly have nominated him.

"How far such a Disposition has a tendency to the Peace and welfare of the Province, or to the Acquittal of themselves from all Imputation if further ill Consequences should attend imported Distempers hereafter, requires no observation of ours to demonstrate.

"What renders this Disposition in the Governor & Council the more inexcusable is, that it must be plain from the Tenour of the Resolves of Assembly, that (whatever their Power may be) they were not intended as an Appointment of Doctor Zachary to visit sickly Vessels, exclusive of the Power of the Governor or some of the Magistrates, since his service in visiting Sickly Vessels is expressly limited to be as often as he should be thereunto directed by the Governor & Council, or on their Default by any two Justices of the City & County of Philadelphia.

"And even were it admitted that the Assembly had mistaken their Power and made a Nomination not warranted by Law, we are clearly of Opinion that for the Governor & Council (who are not a Court of Judicature, nor the latter by our Constitution any part of the Legislature) to Assume to themselves a Power the Law never intrusted them with, thus publickly to Arraign & Censure the Conduct of the Assembly was illegal and unwarrantable, a high breach of their Privileges, and of Dangerous Example.

"We next proceed to Consider the Resolves of the Governor & Council, which Are seven in number, and to prevent the Supposition of any design to wrong the sense of them we have first inserted the Resolves separately at large, then subjoined our Remarks upon them.

"Their first Resolve runs thus:

"'That the Government of this Province being unquestionably in his most Sacred Majesty the King & those who have authority under him, the Representatives of the People in Assembly, altho' part of the Constitution & Legislature, have no right to Exercise any Acts of Government, nor can they direct or controul any Magistrate or Officer, not even a Constable, or enlarge or create powers in them or others in any Case whatsoever.'

"On this Resolve we observe:

"That although the Government of the Province is unquestionably in the King and those who have Authority under him, it does not Operate against the Powers of y^e^ Assembly, since they Claim none but such as are derived to them by their Charter & the Laws of the Province from the Crown. The residue of the Resolve we Conceive contains two Mistakes:

"'1st. The Governor & Council Assert:

"'The Representatives of the People in Assembly, altho' part of

the Constitution and Legislature, have no right to Exercise any Acts of Government.'

"The powers of Government are divided into Legislative, Executive, & ffederative. Legislative, or the power of making Laws, is one of the highest Acts of Government, And if the Assembly be allowed (as they undoubtedly are) a part of the Legislature, every Act they do in Legislation is an Act of Governm'; ffurther, if the Assembly are a part of the Constitution, as the Governor and Council say, they must be a part of the Government, for as we take it, Constitution & Government in the sense they Use them are synonimous; And if a part of the Government, the Acts they do are Acts of Government. Besides, the Assembly only have the power by our Laws of making some Officers and the payment of many, which we understand to be Acts of Government.

"2d. They add, 'Nor can they (the Assembly) direct or controul any Magistrate or Officers, not even a Constable.'

"By Magistrates in this place we understand judicial Officers, as to whom we Conceive the Law is the Rule by which they are to Conduct themselves, and no direction or Attempt to Controul them in doing Justice is lodged either in the Governor or Assembly; But if they transgress those Rules either by not doing their Duty or in exceeding their Duty, there can be no doubt but that by our Constitution the Assembly, when they think it necessary, may impeach such Offenders in order to bring them to Justice, which also shews the Assembly have a Share in the Executive Part of the Laws.

"As to the Power of directing other Officers the Governor & Council are also mistaken, ffor

"1st. We have divers Officers of our own, our Clerk, Serjeant, & Doorkeeper; our power to direct and Controul these has never been disputed that we know of.

"2d. The Assembly by the Laws of the Province are in many Cases Authorized to Command divers other Officers on sundry Occasions.

"3d. Whenever it shall become necessary either for the preservation of the Public Peace or in many other Cases that might be mentioned, if we may be allowed to follow the Example of the House of Commons or the Practice of former Assemblys, it will be difficult to maintain that the Assembly have not the Power to Command both Sheriffs, Constables, and other Officers as occasion may require, and to Punish their Disobedience to such Commands.

"The second Resolve of the Governor & Council runs thus:

"'That the Authorizing Persons to enter Ships or Vessels is an important Act of Government not within the power of the House of Representatives, nor can the Master of a Vessel be compelled to ad-

mit a person under their Authority to come on board, or inspect the Condition of the Passengers & Seamen.'

"On this we observe:

"1st. That the Authorizing Persons to enter Ship or Vessels may in some Cases be an Act of Government, in many Cases not so. The Assembly have not had any Occasion to claim such a Power, tho' we think it possible to put Cases in which it might be justifiable for them both to Claim and put it in practice.

"The third Resolve sets forth:

"'3. That the Governour, as supream Magistrate, has the Sole Right to give such An Authority, which in this Case has always been Exercised with the Consent of this Board.'

"On this we Observe:

"1. When the Governor & Council will be pleased to reconsider this Resolve we Presume they will think it expressed too generally and not the most safely. We ever understood our King to be Supream Magistrate, and for any other to Claim that Authority without any words Limittation, does not demonstrate that Duty and Loyalty which every Subject owes to our Sovereign.

"2. As the Governor is not supream Magistrate without adding words of Limittation, viz., within this Province, neither has he (if any right) the Sole Right to give Authority of Entering into Vessels, &t. The King, we presume, they must allow to have greater Right, so have the Lords of the Admiralty, the Commissioners of the Customs, the Collector of the Customs, &t., and, as we Conceive, so have the Justices of the Supream and County Courts, Sheriffs, Coroners, &t., in many Cases.

"The Governor & Council's fourth Resolve charges the Assembly in these Words:

"'4. That the endeavouring to transfer this Right from the Governor to two Magistrates by a Vote of the House of Representatives, is assuming to themselves the whole Legislative Power, and attempting to Divest the Governor of the Executive part of the Government, which is in him only as the King's Representative, and if admitted in this Instance may be carried such Lengths as to endanger the Charter granted to the ffremen of this Province.'

"On this we Observe:

"That if the Matter be rightly understood, we think there is no foundation for this Charge, for whoever will peruse the Resolves of the Assembly in relation to which this Charge arises, will find that they Contain no Words which either do or look as if they were intended to give a new Power to the Magistrates, but supposed them already vested with power sufficient. And notwithstanding some of the Magistrates, who are Members of Council, to serve a particular purpose may have thought fit to disclaim this power, by declaring

t is vested in the Governor solely, it is not only what they have ometimes practised, but, as we are advised, is enjoined by Law as heir Duty, viz., as often as it shall be necessary to send some Per-on on Board of Vessels supposed to be sickly, to view and report a what Condition they are, and when any infectious Distemper is n Board to prevent their Coming into the City; ffor the Act of ssembly concerning sickly Vessels expressly Provides none shall ome within a Mile of any Port, which being a general Prohibition, nd no Particular Method Prescribed in which it is to be put Ex-ution, the Justices in each County not only may but ought to Exert eir Authority in the due Execution of this Act; And if contrary the Tenor thereof any Vessel be brought into any Port in this rovince, the Master may be indicted and fined for the Breach of ie Act—It being, as we are advised, a general Rule of Law, That here an Act Prohibits a Matter of Public Grievance to the Liberty nd Security of the Subject, or Commands a Matter of Public Con-enience, an Offender against it is punishable by Indictment.

"As, therefore, this Right was and is in the Justices of each ounty, the Assembly's appointing a person whom they declared they ould pay as often as the Governor & Council, or any two Justices, t., thought fit to employ him, cannot be justly called an Endeavour transfer the Right from the Governor to two Magistrates, as the overnor & Council are Pleased to suppose.

"Besides, to transfer this Right from the Governor must suppose in him. Whereas, unless it be lodged in him & the Council by irtue of the Act aforesaid, and not as Supream Magistrate (as he pleased to stile himself), we are advised there is greater reason doubt his power as such than that of the City and County Ma-istrates, ffor by our Constitution he is not entrusted with the Ex-ution of Laws in his own person, nor hath he power to create new ffices and Officers without the Consent of the Assembly.

"But what we most Admire at is, that the Governor, in Conjunc-on with the Council, should publish his seeming Concern for the reservation of our Charter, when at the same Time he could not ut be Conscious to himself of a Complaint he had depending, hereby he Attempts to take from the ffreemen of this Province me of the most valuable privileges granted them by it; And as he Council at the Time of these Resolves knew of this Complaint eing lodged, one would think they should rather have Chosen a etter Opportunity of Expressing their Care for the Preservation of he Charter if they intended to gain Credit.

"The fifth Resolve of the Governor & Council alledges,

"'5. That the House of Representatives have not any Authority o direct the filing of papers in the Secretary's or any other publick Office, without the Governor's Assent to a Law for that purpose.'

"This Resolve, we suppose, alludes to that made in the Assem-

bly of 1741, before mentioned, which provides that Doctor Lloyd Zachary be paid a reasonable Reward for visiting Sick Vessels, &t.; Provided he make such Report in Writing, & Lodge the same in the Secretary's office, &t. Those who have a Right to give, may annex Conditions to their Gifts. The Assembly had the Right to direct where they thought it was fit the Doctor's Report should be lodge'd, and altho' it was not in his power to file that Report (for putting on the file is the act of the Officer, and is a Term we did not Use), it may be in his Power to lodge or leave it there. Whether the Secretary will think fit to receive it or not may be another Question. If he shall refuse, the Assembly have an easy Method of providing against that Defect, and making the Gentleman sensible of his Duty.

"The sixth Resolve contains these Words, Viz^{t}:

"'That the Supposition of a Default in the Governor & Council in a Matter that so highly concerns the Welfare of the inhabitants of this province, carrys with it an unjust Reflection both upon the Governor and the Council.'

"On this We Remark:

"The Event has shewn there was great Reason for the Assembly in August, 1741, to provide against a Default, the present Declaration of the Governor & Council that they will have no regard to the resolutions of the Assembly proves it; And, therefore, it was well provided by that Assembly, that in such Case they would pay the Doctor as often as he should be sent by any two Justices of the City & County of Philadelphia, &t. If they Chuse rather to employ a Doctor of their own appointment, it is in their Power, but if they disregard their Duty in Execution of the Act, the fault will lye at their Door.

"But why the Supposition of a fault in the Governor & Council should be asserted to carry with it an unjust Reflection, we are at a loss to Say. The Act of Parliament in the 11 & 12 of W. 3 Cap. 12, recites, That whereas a due punishment is not provided for several Crimes Committed out of his Majestie's Realm of England, whereof divers Governors, Lieut. Governors, &t., have taken advantage, and have not been deter'd from oppressing his Majesty's Subjects, &t. To infer from hence that the King & Parliament reflected on all the Governors in America, would be very bad reasoning, and yet it would be equally forcible with the Conclusion drawn by the Governor & Council in the Case before mentioned.

"The seventh and last of their Resolves follows, viz^{t}:

"'And it is the Resolution of this Board, in Conjunction with the Governor, to take all proper Measures, as we have hitherto done, pursuant to a Law of this Province concerning Sickly Vessels: Provided the Assembly will allow a suitable reward to one or more persons, to be appointed as usual, to visit them.'

"In what Manner the Act mentioned in this Resolve has been xecuted in Time past we have already taken Notice, and if it be uly executed for the future, we presume it will be agreeable to all he Inhabitants of the Province; And we make no doubt that whatver may be incumbent on the House to do on that Occasion will e chearfully performed.

"On the whole, we are humbly of Opinion that to prevent disute concerning the Rights of the Appointment of a Person to visit nhealthy Vessels hereafter, and to amend divers other Defects in his Act, it will be necessary to appoint a Committee of the House o prepare and bring in a Bill for that purpose against the next sitng of Assembly.

"And that the House do come into such Resolutions as they shall dge necessary to support the Rights & Privileges of the Repreentatives of the ffremen of this Province, and encourage a due Exution of the act in the mean Time. But it is nevertheless subitted to the Judgment of the House by

"THOMAS LEECH,
"ISAAC NORRIS,
"ISRAEL PEMBERTON,
"JAMES MORRIS,
"EDWARD WARNER,
"SAMUEL BLUNSTON,
"ABRAHAM CHAPMAN,
"JEREMIAH STARR."

"And accordingly it was

"Resolved,

"That for the Governor & Council to draw in Question, arraign, & nsure the proceedings of the Representatives of the ffreemen of is Province in Assembly met, after the Adjournment of such Asnbly, is assuming to themselves a power the Law hath not inusted them with, is illegal, unwarrantable, a high breach of their ivileges, and of Dangerous Example.

"Resolved,

"That if the Master of any Ship or Vessel having Sick passengers board shall, contrary to the Tenor of the act entituled An Act to event sickly Vessels coming into this Government, come nearer an one Mile to any of the Towns or Ports in this Province, or all land such Passengers or their Goods thereat without License t obtained for the same, as by the said Act is directed, that such laster may be indicted and fined for transgressing the said Act; nd that such Offences may by Law be heard & determined by the stices of the respective Counties in which they shall be Comitted."

All which being read, the Governor desired that a Committee of

the Council might be appointed to Consider of them; and accordingly it is

Ordered,

That Clement Plumsted, Samuel Hasell, William Till, and Abraham Taylor, Esq^rs be a Committee to Consider of all the foresaid Matters, and Report their Opinion thereof to the Board at the next Meeting of the Council.

At a Council held at Philada., May 17th, 1742.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut. Governor.

Anthony Palmer,	Clement Plumsted,	Esqrs.
Samuel Hasel,	Thomas Laurence,	
Ralph Assheton,	Thomas Griffitts,	
William Till,	Abraham Taylor,	
Robert Strettell,		

The Minutes of the preceeding Council being read & approved,

The Gentlemen to whom the Report of a Committee of the Assembly in relation to unhealthy Vessels was referred, made their Report thereupon, which being read & approved, was ordered to be enter'd upon the Minutes, & is as follows:

"The Governor & Council having been pleased to refer to Us the Report of a Committee of Assembly, delivered to the Clerk of this Board, & to require our Sentiments thereupon, Altho' it will be a Journey long & disagreeable to Us to follow that Committee through all their Mazes, we have the more readily enter'd upon it as the insinuations & Objections contained in that Report have rendred it necessary to give a fuller account of the ffacts under Consideration to support the former Resolves of this Board, and to assert the Rights of Government against the Invasions of the last Assembly and the Attempts of the present to Justify them.

"The ffacts stand thus:

"Doctor Grœme for above twenty Years before the Year 1738, by the special Order of the Governor & Council, visited Sickly Vessels at the Port of Philadelphia. In that Year the Assembly made him an Allowance of what they thought reasonable for his past Services, justly concluding that if the reward was insufficient they were not to blame, as his own Delay had rendered a particular Examination of those services impracticable; And that Assembly perceiving the Evils that might attend Stale Demands upon the Publick, Order'd the Doctor to bring in all future Accounts Annually, at the same Time acquainting him that if he did not he might reasonably expect to have them disallowed.

"The Doctor by the Governor & Council's Orders continued to visit unhealthy Vessels until the Sessions of Assembly in August, 1740, And then preferr'd the Account mentioned in the Report.

"The whole that pass'd upon it before the Committee or in the Assembly (for nothing appears in their Votes or Proceedings concerning it) can be known only to those within their own Walls, and therefore must principally depend upon their Representations beyond a possibility of Contradiction. But to the Doctor or the Publick upon finding the Amount disallowed nothing could appear but that the Assembly had rejected it without vouchsafing to Assign the least reason for the Satisfaction of either.

"Soon after the Doctor informed the Governor in what manner the Assembly had treated his Account, and desired to be excused from acting any longer in the Employment, To which the Governor replyed that he could not in justice require it of him, since the Assembly had used him so unhandsomely; And the Governor at the same time expressed his Apprehensions that no Person of Character in the Profession would after such ungenerous treatment be perswaded to risque his Life or spend his Time in a Service he was not to be paid for, which would Subject the Province and the City in Particular to very great Inconveniences and Dangers; And from this Time Doctor Græme look'd upon himself as discharged.

"In the fall of that year, during the Governor's frequent Avocations on the King's immediate Business and the Business of the Government of the lower Countries, several Palatine Vessels arriving here, suspected to be sickly, the Eldest of the Members of Council that had ever given any attention to such Matters sent for Doctor Græme & desired he would visit them. To which the Doctor objected, as conceiving himself an unacceptable person to the Assembly, Since they had refused to pay him for what he had done before. But the Doctor being very earnestly pressed by that Gentleman, and observing his uneasiness and the Difficulties he was laid under by the Governor's absence, his regard for the welfare of the Province prevailed, for the present, over the resolution he had taken not to Act more in that Employm[t].

"On the Arrival of several Vessels in the Spring, 1741, the Governor order'd the Masters of them to apply to Doctor Zachary & Doctor Bond, and to return both or either of their Certificates of the Condition of the passengers & Seamen on Board; but these Gentlemen refused for sometime to undertake the Business. At length they agreed to visit vessels together, for neither of them would consent to do it alone.

"Doctor Zachary & Doctor Bond visited all the Sickly vessels that arrived afterwards, untill the Session of Assembly in August, 1741, except one that arrived about the Time of that Session, which Doctor Græme visited, upon the Master's promising to make him Satisfaction. Doctors Zachary & Bond being both absent, or under

other Engagements, this Vessel & the Palatine Ships above mentioned are the six charged in Doctor Grœme's account of August, 1741. We shall now consider the Remarks of the Committee upon the ffacts as they have been pleased to State them; And in Order to draw them out of the confusion they are designedly placed in by the committee, we beg Leave to range them under two heads:

"1st. Charges against the Governor & Council.

"2d. Justifications of the Assemblys in 1740 & 1741.

"As to the first, the Committee Demands if the Governor & Council did look upon the Doctor to be discharged, why they did not apply to the Assembly for some Remedy, but suffer the affair to lye dormant above a year?

"To this modest Demand we Answer, that when the Governor had the first Notice of Danger from sickly Vessels, the Assembly was not sitting; therefore if he had inclined to such an Application it was impossible. He had then Expectations of the Assistance of some other Physicians in the Room of Doctor Grœme, which he obtained tho' with Great Difficulty; But before that could be accomplish'd the Distemper broke in upon Us and got past prevention.

"Permit Us now to ask what is the Power of an Assembly in the Province of Pennsylvania that the Governor and Council must apply to them for aid to Execute a Law of the Country, a Law which, in respect to the present Controversy, requires their personal Execution? We have often heard of applications to the Supream Magistrates to remedy Mischiefs or Neglects in the Execution of Laws, But for a Committee of the representatives of the People to question the Supream Magistrate why he did not apply to the Power of the Assembly alone to remedy a Defect in the Execution of a Law, especially when that Defect was occasioned by the voluntary misconduct of the Assembly, is certainly of the first Impression, And we think a bolder Attempt towards Seizing the Powers of Government than ever was made in this Province or any other Part of his Majesties Dominions.

"They next complain of the Governor & Council for not giving Directions to restrain the Ships of Mr. Willing & Mr. Baynton from coming into the Port, which Ships they say were unhealthy & spread the Distemper in the City.

"The Landing of the Passengers from Mr. Willing's Vessel was intirely owing to an Accident. The Ship riding in the Stream received Damage by an anchor and was Sinking, so that with great Difficulty she was brought to the Wharf, and then the Passengers got on Shore. Their staying on Board at the Wharf could be of no Service, but rather the Contrary, as the Distemper probably would have raged the more from the Confinem[t] Mr. Baynton's Vessel arrived at the same time with Mr. Willing's, and we are assured by

s that well knew the Condition of the Passengers, that their rders were Common ffluxes & ffevers. Besides, it is much more able that the fatal Distemper was brought from the West In- than from Europe, whence these two Vessels came, as it is al- t Peculiar to the former, and was known to have raged with t Violence amongst the King's forces at Carthagena & Jai- ca.

But supposing these Ships did import the Distemper, as they ar- d when the Assembly had discharged Doctor Grœme, and the ernor & Council had no Physician to Examine the Condition of Passengers, how could they forbid their Landing? their power nds only to Ships importing Passengers afflicted with Infectious ases, and without the Assistance of a Skilful Person to distin- h them from others, it was impossible with any Degree of ice to exercise that Power.

It is with great Surprize we observe another Charge of the Com- e against the Governor & Council, for declaring they could not d Reports of Doctor Zachary under the Assembly's appoint- , tho' they thought him Qualified for the Service, To which subjoin this Reflection, 'How far such a Disposition has a ten- y to the peace & welfare of the Province or to the Acquittal of selves from all Imputation, if further Ill Consequences should d imported Distempers hereafter, required no observation of 's to demonstrate.'

Surely these Gentlemen imagine that the Disturbances between t & Wrong and the Welfare or Misery of the Province de- upon a Conformity & implicit Obedience to their Arbitrary on. The Governor & Council have Power given them by Law sickly Vessels coming to Philadelphia, and Consequently must the Right of imploying such Persons as they Confide in to Reports Concerning them. They appoint Doctor Grœme for purpose, and the Assembly refuse to pay him, for which reason clines the Service. The Assembly contrary to & in Contempt e Law appoint another, and declare they will pay him, and then ding to the Committee's reasoning The Governor and Council rupt the peace and welfare of the Province if they do not ly give up their Right and Submit to the Assembly's appoint- . By the same Rule the Assembly need only refuse to pay the es of the Supream Court, the Attorney General, the Secretary, y other Officer now in the Governor's Nomination, whose y's are paid out of the Publick Money, and upon their re- ng for want of Satisfaction if the Assembly appoint others n they say they will pay, it shall be incumbent on the Gover- the people to acquiesce under the Usurpation. Incroach- s have been sometimes Yielded to rather than occasion publick actions & Calamities, but it is a rarity to hear the Aggressors nd Submission from the injured, merely to avoid the Confu- & Misery's they themselves are wildly introducing.

"We pass now to the Reasons given to Justify the Assembly's Conduct.

"The Committee say the Assembly in the Year 1740 were induced not to pass the Doctor's amount that Year, because it did not appear in the Account what were the Names of the Vessels or of their Masters, whether they were sickly or not, and by whose Orders he visited.

"If we are to understand from the Committee that the Assembly rejected the Doctor's Account because he had not charged his Services in a very particular Manner, & said expressly by whose Orders he visited each Vessel, we can only say the Suspicion of an unjust Charge was very extraordinary, whether we consider it with respect to the smalness of the Sum, the known integrity of the Doctor, or the Trust reposed in him by an important Office in the Administration of Justice. But if we are to regard the Sentiments of the Assembly in August, 1741, these were not the reasons of rejecting the Amount, for that Assembly could require nothing but proof of the general Appointment, because they paid him not according to the particular services, but a gross Sum or Salary of five pounds per ann.

"But the unanswerable Charge against the Assembly for rejecting this Account is, that they never acquainted the Doctor with any objections made to it either at the Time of presenting or afterwards, altho' he was in the Town with them. Half an hour was sufficient to have given the Doctor Notice to attend them, & for him with ease to satisfy all their Doubts. Therefore we must believe they chose to disallow the account silently rather than in a public manner, least the true Reasons for rejecting it should appear to the World. Yet, fortunately, the Silence has not been entirely preserved, for it was soon made Public that in the Debates upon the account it was said, 'Let those pay Doctor Grœme that employ'd Him,' without the least Contradiction from any Member present.

"They say they postponed his account till next Year; but with what Certainty could they conclude they should ever have an Opportunity of sitting there again to do him Justice, unless they imagined they had so firm a possession of the People as nothing could shake or alter. Besides, it was well known to several Members of that House that a stronger Argument could not be Used against a Public account than that it had been before a former Assembly & was not allowed. The delay of Right is a Denial of Right; and to pass over the Reflection contained in suspending the Allowance As if the account was unjust, refusing the Doctor his Money then due for Reasons that they might but could not hear his answer to, was condeming him unheard, which all Mankind will agree is the highest Injustice.

"Again, they say Doctor Grœme did not look upon himself to be discharged, because he exhibited his account down to August, 1741.

"The six Vessels mentioned in this Account were visited by the Doctor, as we said before, ffive in the ffall, 1740, at the importunity of one of the Council, the Governor not being in the Way to appoint another Doctor, and one in August, 1741, on the promise of the Master to pay Doctor Grœme himself if the Assembly would not. But between these Times the Doctor never acted, ffor the Masters of Vessels were directed to apply to Doctors Zachary & Bond, therefore the Committee's Observation is wide of the Matter.

"Having finished what we proposed under the preceding Heads, we come now to Consider some ffacts & Arguments that lie scattered over the Report.

"And first, as the following paragraph seems to us remarkable, as well for the Mode of Expression as for the Matter, we shall insert it at length:

"'How regularly the Doctor attended the Service, or how great the Care of the Governor & Council hath been in respect to sickly Vessels, we shall leave others to judge; Yet some of Us do remember that a Palatine Vessel with sick passengers on Board came into our River in the Year 1738, and on the Doctor's report (as we are inform'd) that it was no other than a common Ship Distemper, was admitted to come up to the City, but by its spreading it soon appeared Malignant, and the Vessel was ordered away from the port. In this instance the Governor & Magistrate acted a part that became them; for the infection of the Distemper after appeared in one remarkable instance to the Southward of this City, where a person who received some of those sick people into his House was with most of his ffamily taken away by the Distemper.'

"The beginning of this Paragraph apparently Shews an intention in the Committee to lay some Blame on the Governor & Council as well as on the Doctor; But, as in the latter part, they have been pleased to say that in this Instance the Governor & Magistrates acted a part that became them, we are at a loss to know where they did not in this Instance act a part that became them. It is pretty plain that the ordering the Vessell away from the Port is the part meant that became them, and, therefore, the part in which they leave others to judge how great the Care of the Governor & Council hath been, must be their admitting a Vessel to come up to the City upon the Doctor's Report that it was no other than a Common Ship Distemper. Now suppose that was really the Case, will the Committee say that the Governor & Council were to blame for admitting a Vessel to come up to the City which the Doctor reported had no other than a common Ship Distemper; that is, a Distemper which could not endanger the health of the Inhabitants? surely not. But we are willing to excuse any Embarrassment that may appear in the Committee's Manner of expressing themselves, when they had a Task so unusual and so much against

their Inclinations to perform as that of declaring their approbation of the Governor & Council's Conduct in any one Instance.

"They have been pleased to tell the Public in the same Paragraph that some of them do remember that a Palatine Vessel with sick Passengers on Board came into our River in the Year 1738. However true this is, we do not think it any extraordinary instance of the Goodness of their Memorys, for we do remember that several Palatine Vessels with Sick Passengers on Board came into our River in the Year 1738, and that the Assembly soon after thanked the Governor for his great Care of the health of the inhabitants. The Committee have not been quite so positive about the Doctor's Report, for to that they have carefully added (as we are informed). But do the Committee think they are blameless in giving credit to any sort of informations from any sort of Informers, where the Character of a Gentleman is concerned who has been a practitioner in this City for above twenty years, with the Reputation of great Skill & Integrity in his Profession. To the generality of mankind Reputation is one of the dearest Things in Life, but when it stands in the way of the Committee, their Common reserve, as we are informed, is thought sufficient to justify them in the most publick Attack upon it.

"But before we leave this Paragraph we must take the Liberty to say, that altho' the Committee may have been informed they were not truly informed, for the Palatine Vessel that came up to this City in 1738, with the malignant Disease which destroyed the ffamily to the Southward of this City, and was order'd down again, came directly to the Wharf (Mr. Allen, the Owner of her, being then out of Town) before any inspection made by the Doctor into the Condition of the Passengers, and consequently without any Report to the Governor & Council before she came up, for which, after the Doctor's Report that She was sickly, the Master was laid under an Arrest by a Warrant under the Governor's hand, & obliged to remove her immediately to the Distance of a Mile from the Town, as the Law required.

"The Committee grown fearful of having Acted out of Character in Commending the Part the Governor and Council had acted, even in one Instance, and in saying the Assembly had postpon'd (as they call it) the payment of Doctor Grœme's account until enquiry was made whether the Services were done by proper Authority, have by way of Apology for these Mistakes, told Us that if too great a Regard was shewn to the Governor and Magistrates, they at least may excuse it. But we are of Opinion they might have saved themselves the Trouble of this Apology, since whoever is endowed with so great a Stock of Patience as to read their report will be so farr from accusing them of having shewn too great a Regard to the Governor & Magistrates, that they will rather wonder at their having shewn so little regard for themselves or for the Body of which they are Members.

"Again, they say if what we are informed be true, the Masters of the Vessels visited have usually made considerable Allowance to the Doctor, besides what he received of the Assembly; but permit Us to say y^t^ if what they are informed be or be not true, this is the most unjust Manner of Charging any Person that the worst of Passions can invent. Does it become the Honour of a Committee of the representative Body, under the Umbrage & Shelter of Publick Proceedings, to blacken & wound the reputation of their Neighbour upon hearsays & Informations. All that we can say to the Truth of it is, that the Doctor denys the Charges, and Challenges the Committee and their Informers to Prove the ffact in a single Instance.

"The Committee alledge that the Assembly in 1741 fully rewarded Doctor Græme for what services he did, by giving him five Pounds a Year, because the Assembly in 1738 allow'd him the like Sum for twenty years before.

"We cannot comprehend the Equality of this reasoning; it is well known that the Danger & Trouble of visiting sickly Vessels have much increas'd within a very few Years, both by the greater Malignity of their Distempers & the Numbers exceeding what they formerly were; And is their not a manifest difference between an Old account of twenty Years' Standing, which ought to have been divided and preferred annually, And a single Account for the Year last past.* Upon the former it seems reasonable to allow the least that could be deserved, because the persons own neglect prevented a possibility of enquiring into the particulars of his Service, but on the latter he has a right to a full Compensation, as the Charges are capable of a clear Examination; And now we Submit it to the determination of the Public, whether the man who risques his Life for the Preservation & safety of the inhabitants of the Province, does not deserve more for a whole Year's Service than one-half, or perhaps one-third Part of the Publick Money spent in drawing the Report now under our Consideration.

"We shall close our Observations on this part of the Report by joining two of their assertions together, as we think one Answer may suffice for both.

"They say 'they are inclined to believe the Resolves of the Governor & Council were published to influence the Elections on the first of October following;' And in another place declare 'that for the Governor & Council to assume to themselves a Power the Law never entrusted them with, Publickly to arraign & censure the Conduct of the Assembly, was illegal & unwarrantable, a High Breach of their Priviledges, & of dangerous Example.'

"To lament our unhappy Divisions, and at the same Time use all arts to Excite & inflame them, is now become a practice too Common. The Council enter'd into the Present Controversy with reluctance; And when it is considered that the Assembly began it by their Resolves in August, 1741, plainly insinuating a Default in

the Governour & Council in the Execution of a Law so often mention'd, which had occasioned the Mortality among the People, we doubt not they will stand excused in the Eyes of all indifferent Men for defending themselves from so unjust an Imputation. Much respect is due to the Representatives of the People when they act agreeable to the Trust reposed in them. But we apprehend no Powers upon Earth are or ought to be so Sacred as to Control Truth & Justice unanswer'd by the Persons they misrepresent or injure. As to the design of influencing the approaching Election, it will appear entirely groundless when it is observed that the Assembly's resolves were published in August, 1741, And those of the Governor & Council in September next following, which was but a reasonable Time carefully to prepare them. With much greater probability may it be supposed that the Assembly's Resolves were calculated to influence the Election as they were Voluntary, those of the Governor and Council of Necessity, as the Members of that Assembly met with no Opposition at the succeeding Election, And as they had a Blot to wipe out which might justly have Affected them in the Opinions of the People at that Election, and particularly in this City, where the ill Effects of the Sickness were more severely felt than in other Parts.

"We proceed now to say something in support of the Resolves of Council:

"The Committee having been pleasd to allow that the Government of the Province is unqestionably in the King and those who have authority under him, there is no diffierence between us on this part of the first Resolve, but that the Late Assembly did both Claim and Exercise such powers as were not derived to them by by the Charter from the Crown or the Laws of the Province, we shall hereafter make appear.

"Of that part of the Resolve which asserts that the Representatives of the People in Assembly, altho' part of the Constitution, have no right to Exercise any Acts of Government, the Committee have been Pleased, by way of Confutation, to furnish us with the Title of a Chapter out of Mr. Lock's works, wherein he undertakes to Treat of the Legislative, Executive, & ffederative power of the Commonwealth, with this Difference, however, that they have substituted the Word 'Government' for 'Commonwealth,' tho' without any Judgment either for want of Understanding or duly Considering the Reason given by the Author for his Choice of the word 'Commonwealth' preferably to any other; But they seem to have apprehended that 'Commonwealth' might have an exceptionable or odious sound to some, & therefore would not Cover their [illegible] quite so well. The Chapter itself is much less for their [illegible] for this Great Man says that altho' the Legislative Power [illegible] in the Hands of several Persons who duly assembled have a Right [illegible] Laws. Yet as there is no need that the Legislative Should

be always in being, not having always Business to do, and because it may be too great a Temptation to humane frailty apt to grasp at Power, for the same persons who have the Power of making Laws to have also in their Hands the power to Execute them, and as the Laws, tho' made in a Short Time, have a constant & lasting force & need a Perpetual Execution, It is necessary there should be a Power always in being which should see the Execution of the Laws that are made & remain in force. Had the Committee, we say, gone further than the Title, they must have concluded that it is necessary the Legislative & Executive Power should be in Different Hands, and by applying this to the British Constitution (of which this is an Epitome) they would have been Convinced that as the Executive Power here is in the King and those who have Authority under him, that is in the King's Representative, the Assembly cannot have any Right to Exercise Acts of Government.

"As the Distinction between Constitution & Government seems likewise too difficult for the Committee, we chuse in support of this part of the Council's Resolve to referr them to that celebrated Historian and profess'd advocate for the Liberties of the People, Bishop Burnet, who says concerning an Act then under Debate, 'That the Clause of maintaining the Government in King, Lords, & Commons, was rejected with Great Indignation, since the Government was only in the King, the Lords & Commons being indeed a part of the Constitution & of the Legislative Body, but not of the Government.' The Historian who was himself at that Time one of the House of Lords, adds, 'this was a barefac'd Republican Notion, and was wont to be condemned as such by the same persons who now pressed it.' If we may be allowed to add any thing on this Point after the Judgment of the Lords & Commons, it shall be only to observe, That as a Government was never thought to have been dissolved by the Dissolution of a Parliament, nor the People to have been without Government in the Time intervening between the Dissolution of one Parliament and the Meeting of another, The Government must consequently be in the King only, and the Lords and Commons, altho' Part of the Constitution and of the Legislative Body, not a Part of the Government.

"We shall not dispute the Assembly's Power to Chuse, Direct, Controul, or pay their Clerk, Serjeant, and Door-Keeper, that is, their immediate Servants, but that these are Acts of Government, And that therefore the Assembly is a Part of the Government, is a Discovery Quite new to Us and to the World. If the House of Commons are no Part of the Government who provide for the Civil List and raise money for the Payment of all the King's Officers, and it is a Republican notion to think they are, with what Propriety can it be said That because the Assembly pay some Officers of the Government & the Servants of their House, that these are Acts of Government, and consequently the Assembly a Part of the Govern-

ment. It may with as good Reason be said that when the Assembly paid the Governor's Sallary they were Governors themselves. Upon any Laws made here that can Countenance the Assembly's Claim to a part of the Government, we must suspend our Opinions until we are informed what those Laws are. It would be engaging in the Dark (a Kind of Combat the Committee appear to be extreamly fond of) to suppose they meant any particular Laws, when it will be always in their Power to Contradict Us; Therefore, at Present we think it Sufficient to declare that we know of no Laws here that Vest the Assembly with any Powers of Government, Nor have we heard that any Assembly of this Province ever claimed a Share in those Powers under the Laws, or by any other Means whatsoever, until the Report of this Committee appear'd; And for the same reason we decline saying any thing on the Contrariety of such a Claim to the Royal Charter, which expressly enjoins That the Laws be consonant to reason and not repugnant or contrary, but as near as conveniently may be agreeable to the Laws, Statues, & Rights of the Kingdom of England.

"The Committee have gone from the Point in the latter part of this Resolve, which is not whether the Governor can, but whether the Assembly can direct or Controul Majestrates or Officers. The late Assembly took upon them to do it contrary to Law. When the Governor undertakes to direct or Controul we doubt not but that he will, agreeable to his usual Caution and his regard for the Laws, take care to do it upon very good grounds, and in such Cases as he is by the Constitution or by Law intitled so to do.

"But the Committee have been pleased to inform Us, in Support of the Assembly's Power, that they may impeach Offenders; that they can direct and Controul their own Clerk, Serjeant, and Doorkeeper, and that by the Laws of the Province they are Authorized to Command divers other Officers on sundry Occasions, and that after the Example of the House of Commans & former Assemblys they may Command Sheriffs, Constables, & other Officers, and punish their Disobedience to such Commands.

"We should have been glad after the Committee had informed Us that the Assembly may Impeach Criminals that they had gone a little further and told us where the Judicial Authority is lodged upon such Impeachments, or whether the Assembly alone are Judges, Jury, & Accusers; but they did not think this for their purpose, least they should discover too much.

"A Grand Jury may indict Criminals, & every one knows in that Case who are the judges and who have a power to Pardon or order Punishment to be inflicted.

"When the Committee shall be more Explicit as to the Assembly's Power of Commanding divers Officers as Occasion may require, and particularly Sheriffs & Constables, by telling us on what Occasions and what sort of punishment they can inflict in Case of

Disobedience, we shall be better able to judge of the Assembly's pretensions. If this Power is carried no further than in maintenance of the just Privileges of the Assembly, we know what that Power is and what sort of Punishment they can inflict. By Charter they are intitled (and so we conceive they would without it) to the Powers and Privileges of an Assembly according to the Rights of the free-born Subjects of England, and as is usual in any of the King's Plantations in America.

"When Precedents shall be brought from the House of Commons in support of the Powers the Committee claim in behalf of the Assembly, we hope they will be drawn from the most Temperate Times, and not from such as levell'd all Distinction between Constitution & Government.

"On the second Resolve the Committee say that they think it possible to put Cases in which it might be justifiable from the Assembly to Authorize Persons to Enter Ships & Vessels.

"On which we observe, That as the possibility of putting Cases is a new sort of Argument that proves nothing, we can give them no Answer to it; And until they think fit to put Cases, and such Cases, too, as clearly prove the Assembly's Authority, we must be of Opinion that the Committee cannot possibly put Cases to justifye an Assembly's pretensions to authorize Persons to enter Ships or Vessels.

"In the Committee's Observation on the third Resolve, they have been so kind as to shew their great Care for the Governor & Council's safety, and in a seeming friendly Manner to advise that the words Supream Magistrate ought not to have been applied to the Governour without some words of limittation, viz., within this Province, And that it does not demonstrate that Duty and Loyalty which every Subject owes to our Sovereign.

"Had not this seeming kind Advice carried with it an insinuation of the want of Duty and Loyalty, we should have thanked the Committee for their good will, however insignificant we might have thought the observation; But as the Governor & Council have given signal proofs of their Duty & Loyalty by actions & not words only, we shall spend little more Time upon it than to express our Wishes that for the reputation of the Province the Members of the Two last Assemblys had done the like, And to observe in our turn, that had the Governor & Council employ'd an attorney to penn their Resolves, Repetition & Tautology might have been expected as agreeable to his Mode of writing & Practice; but since, in the Council's first Resolve, it is said that the Government of this Province is unquestionably in his most sacred Majesty the King, and in the fourth that the Executive part of the Government is in the Governor only as the King's Representative, we do not think it ought to be required of the Governor and Council

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ernor & Council, or from any two Justices of the Peace of any other Port or County of this Province or Territory, under the Penalty of one hundred Pounds for every such unhealthy Vessel so landing as aforesaid, to the Use of the Proprietor and Governor; And that suitable provision be order'd by the Governor and Council for their Reception if they be permitted to Land or come on Shore.

"Now it is evident from the words above cited, that all the Authority given by this Act is vested in the Governor & Council as to Philadelphia, and in any two Justices of the Peace as to any other Port or County. The Act supposes no default in the Governor & Council, nor does it impower two Justices to exercise any Authority in such Cases in Philadelphia, Notwithstanding which the last Assembly have been pleased unjustly to suppose a Default, and from thence by a bare resolve to transfer the Authority of the Governor & Councill in Philadelphia to any two Justices of the City and County of Philadelphia.

"ffrom whence it clearly follows, that if the Assembly can, by a resolve of that House only, transfer an Authority vested by Law in the Governor & Council to two Justices, upon the Supposition of a Default, they may, under the same pretence, transfer any Office or Trust, although conferr'd by an Act of the whole Legislature, in the same Manner; And what is this but assuming to themselves the whole Legislative and Executive Power, which is not derived to them either by the Laws or the Charter.

"It is observable that the Committee have, in their Remarks on this Resolve, frequently alluded to the Advice of some other person. This we think was giving themselves unnecessary trouble, since the singular manner of puzling the Cause would have made it Evident enough to Us without it; But if the Advice came from the same person that advised in some other late Matters, we desire to be excused from yielding an implicit ffaith to it, since Men of the most eminent stations and of the greatest reputation in the profession of the Law in England, have presumed to differ from him on those Points.

"Whether the Governor hath a Power to create new Offices or Officers is no part of the Question, altho' the Committee would have it believed to be such. The Governor has not done either. The Doctor appointed to visit Sickly Vessels (if he can be called an Officer) having been appointed many Years before he came to the Government & only continued by him, And we think that Appointment may be very well justified, for where a Law requires a thing to be done the necessary means for doing it are implied; but the Assembly have actually taken upon them to appoint a Doctor to visit unhealthy Vessels, by resolving that Doctor Lloyd Zachary be the person appointed to visit all unhealthy Vessels, &t., which is plainly an Attempt to divest the Governor of the Executive part of the Government.

"We know of no Attempt made by the Governor to take from the freemen of this Province any of their Priviledges. If the Governor, in Obedience to the King's instructions, and from the necessity he was laid under of defending both his Character and his ffortune against the malicious Complaints of a former Assembly addressed by way of a Petition to the King himself, gave an Account of the rash and undutiful Conduct of that Assembly, it was not only what his Duty to his Majesty but a just Regard to his own Character and ffortune, both which were so publickly struck at, obliged him to do. The Governor & and Members of this Board have at least as true a Regard for the Priviledges of the ffreemen of this Province as the Authors of the Report we are considering, tho' they have no sinister or Ambitious turns to serve by making a great Bustle about them. If the Charter of the Province, or any Particular Privileges the People claim under it, should ever be endanger'd or taken away, it will, we are afraid, be owing to such an Abuse of those Priviledges and such an undutiful Behaviour to his Majesty as was seen in a former Assembly, altho' contrived & fomented by a few only who had the gratification of their own Spleen and Ambition more at Heart than the Honour of the King or the Good or reputation of the Province.

"We shall not dispute with the Committee upon their distinction between filing & lodging a Paper in an Office; It is a distinction too Minute to spend any time upon. But when we see the Committee decline reason and recur to threats to make an Officer sensible of his Duty, as they call it, because they pay him fifteen Pounds per Annum for as much business as would amount upon a Quantum Meruit to four Times that money, we take it for granted that Reason is not on their side, and that the House of Representatives have not any Authority to direct the filing of papers in the Secretary's or any other Publick Office, without the Governor's Assent to a Law for that purpose.

"We cannot but however observe, that they might with equal Justice have threatened the Judges of the Supreame Court, as their Salaries are paid out of the Public stock, that they will make them too sensible of their Duty if they do not receive the Resolves of the Assembly as Laws, and give Judgment according to them. But how a Committee consisting of no more than eight Members can take upon them to threaten for the whole House, we are at a Loss to conceive, unless they unwarrantably flatter themselves that the whole are under their Command.

"Before we leave this head, we think ourselves obliged to do the Committee the Justice to take Notice of the only part of this observation which has any pretensions to reason, or rather of an Assertion contained in it that carries some appearance of reason, and that is, that those who have a right to give may annex Conditions to their Gifts.

"Considering that the Committee have been so careful of others regard to Limittations, it is strange that they should not have ought of some Limitations or Exceptions to this Rule or asser-n. The Assembly, it is true, are at this Time Trustees for the ıblic Money, but because they pay a Doctor (for it is not giving) ve they therefore a right to annex it as a Condition that they all have the appointment of him? Or because they pay a Gov-nor, have they a right to annex it as a Condition that they shall ve the Choice of him? Or if they do not choose him, that he all deliver up the whole Legislative and the Executive power of e Government into their Hands when they shall think fit to de-and it? What has been said is sufficient to shew that Conditions ust be agreeable to the establish'd Constitution and to the Laws, herwise Conditions may be annexed destructive of both the Con-itution and the Laws.

"On the sixth Resolve the Committee have remark'd that the vent has shewn there was great reason for the Assembly in August, 741, to provide against a Default the present Declaration of the Gov-rnor & Council; that they will have no regard to the Resolutions f the Assembly proves it. We must leave it to the Gentlemen of he Committee to prove how the present Declaration could be reason for the Assembly's doing a thing Prior to the making that eclaration. The Committee goes on, and therefore it is well pro-ided by that Assembly, that in such Case they would pay the octor as often as he should be sent by any two Justices of the ity & County of Philadelphia. That is, because of the Council's resent Declaration, it was well provided by the Assembly before hat declaration was made, That in such Cases they would, &t. He ould not be thought a very just Judge who should condemn man to punishment and pretend to justify himself by saying that he Man perpetrated a Crime since which deserved it. But the njustice must, if possible, be still more flagrant if the subsequent ct was so far from being Criminal that it was in support of the overnment and the Laws.

"The Committee have added, we are at a Loss to say why the upposition of a Default in the Governor & Council should be as-erted to carry with it an unjust reflection; And in Justification of he former Assembly, have cited an Act of Parliament for the pun-shment of Crimes committed by Governors.

"If the Committee have been at such a Loss on this Point, it is o wonder that they have been so much at a Loss on others. But that hey may not longer remain so we think it necessary to observe, That as the Act of Parliament relates to Governors in General, no Governor but one that has committed the Crimes punishable by it an have reason to think it applicable to him in Particular; but the upposition of a Default in the Case before Us could relate to no ther Governor & Council but the Governor & Council of this Pro-

vince, And therefore it was truly said (as their was no default on their part) to carry with it an unjust Reflection both upon the Governor & Council.

"Acts of Parliament may be Cited for the Punishment of Crimes committed by men in most Stations & Professions (for some Men in most Stations & Professions have deserved Punishment), but he that has any regard for his own Character or has any Character to lose, will never descend to so low, to so ungentlemanly an Attempt, to an Attempt so unbecoming even the name of a Christain, as to blast the Character of another by dark insinuations of what he dares not openly assert. The King's approbation of the Governor's Conduct, signified by his Majestie's principal secretary of State, & laid before the Council on the single point from whence his Enemies have pretended to draw advantage over him, sufficiently secures him from the Application of any such Quotations.

"The length of the Committee of Assembly's Report had contrary, both to our Inclination and Intention, carried us into a Greater, which, however, is generally and almost necessarily the Case with all answers. Whether we have well executed what was expected of Us is submitted to the Governor & Council, with this further Remark that it appears to Us that the Resolves of Council were so farr from having been an Attack upon the Rights and Priviledges of the ffreemen of this Province, illegal or unwarrantable as the Committee of Assembly would have it thought, that they were a necessary, just, and laudable Defence against the Attempts of the last Assembly to seize the whole Legislative & Executive power of the Government into their own Hands, which if admitted in any one Instance may be carried such lengths as to endanger the Charter, which it is as much the Interest & Desire of the Council to preserve as of any the like Number of Men in the Province, altho' they do not, like some Men of Old who made high Pretensions to Religion, despise Dominions and speak evil of Dignities.

"CLEMENT PLUMSTED,
"SAMUEL HASELL,
"ABRAHAM TAYLOR,
"WILLIAM TILL."

The Governor then acquainted the Board that as the Assembly in pursuance of their last Adjournment were to Meet this night, he had prepared a Message which he intended to send them to-morrow Morning, and the same being read was also order'd to be entred, viz^{t}:

"His Honour, the Governor, in Council, to the Gentlemen of the Assembly.

"Gentlemen:

"Had the Publick Interest been concerned when you sent me your Resolution to adjourn to the 17th Instant, I should have in-

l upon or at least desired your sitting some time longer for my
ver to the written Message which was then delivered me, how-
doubtful I had reason to be of obtaining that *Favour*, since it
been denied when a Matter recommended by his Majesty him-
was under Consideration. But as that Message contained little
than a repetition of your former *Civilities*, or was but another
nce of the *Sincerity* of your Professions for restoring the Peace
e Province, I was not willing to increase the Publick Expense
ccount of a matter purely Personal, and which I was no ways
hensive could affect me in the Opinion of any impartial ob-
r upon my Conduct.

As a Committee of the Council appointed to Consider the Re-
of a Committee of your House on the proceedings of the late
present Assembly relating to unhealthy Vessels, have fully an-
d all that has been objected in that Report, it is needless for
o say much upon that Subject; Wherefore, in imitation of that
Decorum observed by you in a Verbal Message at the time of
adjournment, *I refer you to the Clerk of the Council for a
of that Report, if you are desirous of seeing it;* But as the
e have Resolved, 'That for the Governor & Council to draw
estion, arraign & Censure the Proceedings of the Representa-
of the ffreemen of this Province in Assembly met after the
rnment of such Assembly, is Assuming to themselves a Power
aw hath not entrusted them with, is illegal and unwarrantable,
h breach of their Privileges, and of dangerous example,' It
not be improper to observe, That when the Resolves of an As-
ly are to be received as Laws, we must Submit not only to this,
o all such as they shall think fit to make; but as this is not the
yet, nor will be until the Assembly have seized all the Powers
overnment into their own hands, you must excuse me if I in-
pon seeing the Law which impowers an Assembly to supersede
Governor's appointm', or to transfer a Power vested by Law in
Governor & Council to any other Magistrates, And I promise
when that is produced to show you another to support the Gov-
r & Council's Right *to arraign and Censure the Proceedings of
Assembly after their adjournment.* At present I am so far from
eing that it is a Breach of the Privileges of the House of Rep-
tatives, that I think it would have been Criminal not to have
ired those unprecedented proceedings, as it would have been a
nission to an Usurpation of very *dangerous Example.* Had
Assembly, however, sent me their Resolves whilst they were
g, I should indeed have thought that the properest Time for
adverting upon them, but as they were secreted for some Time,
not delivered to the Mayor of this City until several Days after
adjournment, And as there was no likelihood of that Assem-
sitting again, it was thought necessary to nip such an Extrava-
production in the Bud, least the *Privilege* of issuing Edicts
appointing all Publick Officers should be engrafted upon it by

some future Assembly as enterprising as the Last. To conclude as upon this Subject, I think it might with more Justice be resolved by my self and Council that for the Assembly to supersede the Governor and Council's appointment of a Doctor to visit unhealthy Vessels, and to transfer a Power vested by Law in the Governor & Council to other Persons by a bare vote of their House, & even without the Privity of the Governour & Council, and to require Obedience to such Vote or Resolve by serving it upon the Mayor of this City *After the Adjournment of that House*, is *assuming to themselves a Power the Law hath not entrusted them with*, is *illegal & unwarrantable, an high Invasion* of the Powers of Government, & *O, very dangerous Example.*

"To add any thing in Proof of the Jealousy entertained of the Germans is almost as unnecessary as to Spend Time in proving that the sun Shines in a clear Day. The uneasiness of many of those who deny the lawfulness of Arms at the Importation of fforeigners bred up to the Use of them, is so generally known that the disputing it would be matter of as general Wonder, were not the reasons for it well understood. The Germans have been of Service to you in some late Elections, and are so numerous that it is now become necessary to count them to Chuse you again. The Act, however, for laying a Duty of 40 Shillings ℔ Head in 1729, to discourage the Importation of fforeigners, will be a lasting Memorial of that Jealousy; And although you have laboured hard to explain away that part of the Address to the Proprietor which was quoted in my last Message, as the Germans were not the People complained of for having unwarrantably settled themselves upon the Proprietors Lands, the Voluntary Engagments to guard against the Dangers *which may arise from the great & frequent Importation of Foreigners* will be considered by all who know anything of that Matter to have been the Effect of ffear and Jealousy of them, and of Resentment against Me for my just tho' unacceptable Commendation of the Industry of those People. That the Proprietor saw it in the same Light is evident from his answer, which is general, and does not take the least Notice of the *Danger* apprehended from the *Importation of Foreigners.*

"As to the Gentlemen *now no Members of your House* (which they think a peculiar Happiness, as not being Chargeable with your Proceedings) some of you cannot be Ignorant, notwithstanding what is insinuated in your last Message, that they oppos'd that part of the address relating to fforeigners, as they had before everything that tendered to Clog the Importation of them; but they were borne down by the Stream, and altho' you may not be willing to allow them the Merit of having acted with a view to the Publick good You must own this was most agreeable to their private Interests, they had more land to dispose of than all the other Members of the Assembly. With these Gentlemen I confess I have lived *in Con-*

nce, and as they carried on the Publick affairs with Reputation, d were the Leaders of some that are now Yours, You ought to be e last to object to that Confidence. If it be criminal in them & their iends to have since supplied me with Money after the Assembly d declared that they *could not cheerfully accede to the Measures commended by his Majesty, or come into the levying of Money & ppropriating it* for obtaining Satisfaction for national Injuries and ffronts, from whence his Majesty would have been disappointed the Assistance expected from this Province, you may with some stice reproach me with that Confidence; but if this be praise-orthy, my Confidence has been well placed, and their ffriendship an Honour to me.

"That you may not give Occasion to charge you with a Deviation om your wonted Good Nature, you have been pleased to tell Me at *Accusations and Complaints ought not to be new Things to me, hilst the Causes of them remain*—this is taking a thing for granted hich ought to have been first proved. Taking it for granted that Man has committed a felonious Act, he may be pronounced to ve deserved Punishment; but if the Accusation be false, it will be full proof of the wickedness & Malice of the accuser, but cannot Justice affect the reputation of the Person accused. The Assem-y transmitted an Accusation against me, by way of Petition, to s Majesty in Council, and the poor Man you call your Agent ran out with it to several of the most Eminent Council in England, it being told that it could not be Expected His Majesty should nsure a Governor for a Punctual Obedience to his Commands in matter of the Highest Concernment to the Nation, And being able to prevail with any one of them to appear in support of that etition, he thought it best to decline a Publick Examination into e Matter, lest the Behaviour of his Employers should appear to erit that Censure which they had kindly meditated for their Go-rnor.

"If his Majesty, after my Letters relating to the Expedition and Copy of the Assembly's proceedings had been laid before him, uchsafed to signify his Approbation of my Conduct on that occa-on, And that this appears by his Grace the Duke of Newcastle's tter communicated by me to the Council, it is as Evident *that the pplause*, as you call it, *is not of my own bestowing*, as it is that ur Language & Behaviour shew a Contempt of his Majesty's Sen-ments, as well as a Departure from the Decencys observ'd by all her Publick Bodys towards persons in Authority; That *you have other Credentials but my own* is by no means to be wondered , since his Majesty has not yet Commanded his Ministers to hold rrespondence with you, nor was it for your Agent's interest to form you of a thing so disagreeable to you as the King's approba-on of my Conduct, neither is he indeed of Consequence enough to ve come at the Knowledge of it otherwise than by Corrupting me inferior Clerk of an Office.

"After you have thus Civilly called me an Imposter in bestowing upon myself an Approbation which you insinuate the King never gave, you go on to Impeach my Integrity in clandestinely Attempting to deprive You of those religious & Civil Liberties which I have solemnly promised to support. If you mean by this that I dissent very fully represent the abuse of those religious & Civil Liberties, as well in regard to the defenceless Condition of this province as to the King's Instructions laid before the Assembly, relating to the Expedition, and that I did at the same Time shew in the clearest Manner I was able how the King's Honour and the Interests of our Mother Country may in future Times be affected by the like rash & undutiful proceedings, it is, in my Opinion, so far from being an Instance of my want of Integrity, that I glory in having preferr'd Obedience to *His Majesty's Commands to give his Ministers a Particular Account of all my Transactions upon that Occasion*, to the private Advantages which would have attended my acting a different part. And further, if Resentment for imaginary injuries, or even an opposition to your Sentiments, can be justified by your Example, that surely will be an ample Justification of me where the injuries were real & without provocation. The Assembly, laying aside Truth and good Manners, first publickly defamed me in their Messages, they stopt my Salary, they petitioned the King against me, and they employ'd Men (some of them without shame or Common Honesty) to procure the Depositions of Blacksmiths' Boys and such like rabble to support it, and then clandestinely transmitted them to England without ever doing me the Justice due even to a Criminal of seeing or hearing the Charge or the Evidence. But if resentment is not to be justified in any Case, no reasonable Man will blame a Conduct that was rendred *Necessary* to guard myself against a Stab in the Dark, which was intended both to blast my Character and to ruin my ffortune. The freemen of the Province will judge well and honestly when they are left to their own Judgments, but to prejudice them against me the Seeds of Dissention have been plentifully sown, and carefully nourished by the grosest Misrepresentations and ffalshoods. When a Petition has failed, a Representation or more properly a new Calumny has been projected to amuse them, and the Craftsmen have proclaimed aloud that their privileges were in Danger; many, notwithstanding, have been too cautious and too wise to be caught with such Baits; And I make no doubt of living, by the Blessing of God upon my honest Intentions, to see all *Honest* Men made sensible that Danger to their Religious & Civil Liberties must arise from the Malice and self-interested Designs of these or such like Men; you cannot be Ignorant that the last Assembly have been charged with another piece of Art in the Distribution of the Public Money, by the Partiality shewn in paying the Masters of such Servants as enlisted themselves in the King's Service upon the Expedition, not according to their value but to the Masters approbation or Disapprobation of that Assembly's

proceedings. You have it in your power to confute this Aspersion, if it be one, by publishing an Exact List of the Names of such Servants, in what Company they inlisted, their Masters Names, their Trades, the Dates of their several Indentures, the Time each Man had to serve, & the particular Sums paid.

"In my last Message I said that £1,500 of the £2,500 paid for Servants had been Stopt out of my Support. In answer to which you tell me *I may remember that since my accession to the Government I have received divers Sums of Money arising by Fines, Forfeitures, licensing Publick Houses, & other Perquisites of Government, amounting from the best Judgment you can form to near one thousands Pounds ℔ Ann., which is double the yearly Salary some of your former Governor's received,* and then according to your accustomed Charity you represent me to the World as a public Robber by adding '*Some of which you have no right to.*'

"Whoever considers what was alledged by me, that you had stopt £1,500 of my support, will see that this is an Answer as much to the purpose as if you had given me an Account of the last Year's Clouds. Wherefore, were it not that my Character is again Struck at, I should think it mispending Time to make any other Reply to it than that most of the members of the present Assembly have received double the Wages that former Members received in the like time, without doing one Single Act in two Years and a-half for the Public Service. But before I proceed to a vindication of my self give me leave to say that you would have shewn more Exactness if you had distinguished betwixt the perquisites of this Government & those of the Lower Counties, for I conceive you have no more to do with what relates to that Government than you have with the Income of my own Private Estate. To that Assembly & their Constituents I am pleased with every opportunity of making my Acknowledgements for the Provision they have annually made for my support, but more particularly for the Justice they have done to my Administration; for from hence it will be concluded by all unprejudiced Persons that the Names of Imposter, Plunderer, Invader of the Liberties of the People, &c. &c. &c. are the result of personal prejudice or of a Malignant party Spirit.

"fforgive this Digression if your ever do forgive the Man that tells you disagreeable Truths, and I will return to the point and own to you that the Perquisites of this Province have amounted to between 6 & £700 ℔ Ann., one year with another. And that I may do you some pleasure, I will own to you likewise that I have spent above £1,000 more than ever I received from both Governments in supporting the Character of a Governor which I was weak enough to think would be a Reputation to this Government in particular. This you say is double the yearly Salary some of your former Governers received, Altho' by the way I have received no Salary at all from you for two years past, altho' the two last Governors,

Sir William Keith & Major Gordan, received the same perquisit and £1,000 ℔ Ann. Salary besides. I Expect you will answer th as the number of people is encreased the perquisites must have do so in proportion, but it would be an Affront to your Arithmetick suppose any of you can really think that 6 or £700 ℔ Ann. perqu sites is equal to £1,000 salary per Ann., & the perquisites of tho Times too, or that the difference of perquisites is more than equivale to 20 or 30 ℔ Cent. difference of Exchange, and as much in the pri of all sorts of provisions.

"To shew, however, your Skill in accounting for this prodigio Income of mine, you tell me how it has arisen by ffines, fforfeiture &t.; for ffines & fforfeitures I have not received ten pounds a Yea one Year with another; in this Government ffines have generall fallen upon necessitous people, and I thank God I have always ha humanity enough to remit them rather than suffer such as were reall so to languish in a Goal and remain a Burthen upon the Counties

"I come now to your grand Charge, the taking Money *to whic I have no right*, and I shall give you a full answer to it, tho' it i far from my intention to acquiesce under your determination, eith as to my own Right or the Rights of my Successors. The Charg it self must indeed appear to every impartial person to be the Effe of Disappointment in your attempts to reduce me to such a Com pliance with your pleasure as would be a Scandal to my Station, an and which I could never be so mean as to Submit to, tho' you ha it as much in your power to wrest the perquisites of the Govern ment out of my Hands as you have had to stop my Salary.

"As to the ffees taken by my Secretary for my Use, they ar the same that have been taken for above twenty Years by my pre decessors Sr William Keith, Major Gordon, & Mr. President Logan and are either of Right by Acts of Assembly or are countenance by the practice of most other Governments in America, from whenc the Governor's Right to them here has never been questined by an former Assemblys of as much Zeal for the publick Good and (Knowledge at least equal to the present. I have made it a Rule no to exceed in any one Instance, and have always refused ffees fo Business done if not included in the List of ffees delivered to m by the late Governor's Secretary. I have never taken, directly no indirectly, either myself or by any other person, any Sum or Sum of Money, or the value of Money, by way of Present, Gratuity, (in any other Way whatsoever for Charters, Commissions, or an Offices of profit, although Money has been offered and the Exampl of other Governor's urged for my taking it. I rejected such Offe least the taking Money should prove an encouragement for Extortio and disarm me from punishing the Crime as it deserves. And no I defie my most inveterate Enemies to prove one single Act of Co ruption upon me in an administration of four Years.

"After you have charged me with taking what I have no right t

you cannot justly be offended if I ask, What right have you to take your Wages out of the Publick Money in direct Opposition to a known Law of the Province, ordering the payment of them in another Manner. This, perhaps, does not appear to some to be a matter of much Consequence, but if well considered is of the most dangerous; ffor if you have power to dispense with one Law by a resolve or Order of your House, you have power to dispense with all Laws. If you can alter the Mode of payment by Vote, you may encrease the Sum, and instead of six Shillings a Day you may take six Pounds, or what you please; And if you can by Vote revive the Act for the payment of Assembly Men's Wages out of the Interest Money arising from the Loan Office, which was but Temporary and has been long since expired, you may impose what you please as Laws upon your fellow-Subjects; and by thus Assuming to your Selves the whole Legislative Power, their Lives, Liberties, and Properties will be dependent upon your Sovereign Will and Pleasure.

"Thus much I have thought proper to say in Answer to your last Message. To follow you thro' all your Doublings would be a work of great Labour, and does not appear to me any ways necessary for the Publick service. I proceed, therefore, to recommend to you a dispassionate review of the proceedings of Assembly for more than two Years past, and then I shall be glad to know what mighty advantages have been gained for the People you represent. Has the publick Money been saved by refusing to grant three or at most four thousand Pounds to encourage freemen to Enlist in the King's Service and to transport the Troops raised for the Expedition, and instead of this expending near Eight thousand Pounds in paying for Servants (which a small Bounty would have prevented) in long Sittings, and in numerous Committees for drawing petitions, representations, & Messages, in the Salaries and Expences of an Agent, an Agent Assistant, and in ffees to Lawyers, and lastly, in a Grant made out of Time unprecedented and thought by many to be illegal? Has the Honour of the Province been advanced, or the favour of the Crown or our Mother Country been engaged against an approaching time of need by the distinguishing Behaviour of the Assembly here from all others in America? Have the odious insinuations & bitter invectives thrown out against me been of Use to convince the World of your meekness & moderation, or have they been for the reputation of the religious Society of which you call your selves Members? Perhaps you will say it is enough to have opposed a designing, arbitrary Governor, but this will be only calling Names without any proof of my being such a Person. If I know any think of my self, I am as much a ffriend to Liberty as the most Zealous Assertor of it in the place, tho' I differ from some in thinking that the best way to preserve it is to use it with discretion & reverence to the Crown, and not to break down the Boundaries between the Rights of the Government and the Rights of the People.

A people may grow wanton with Liberty, and History furnishes us with Instances of some that have lost it by an abuse of it. I sincerely wish this may never be your Case.

"I pretend not to infallibility, but if I have committed ffaults in the Administration of the Public Affairs, they have been the faults of my Judgment and not of my Will. My Adversaries, however, after all their Pains had not been so lucky as to hit upon one. That I have Enemies is no Proof of my Demerit, for the best Princes and the best Governors in all Ages and in all Countries have had their Revilers, and it will be so until all Men shall be brought to think and Act upon the same Principles. I have not the vanity to rank my self amongst the best Governors, because to render a Man such requires greater Talents than I possess. But it will not be Vanity in me to say that I have clean Hands & an Honest Heart: from hence I can with Confidence Ask, Have I invaded any man's Property? Have I illegally deprived any Man of his Liberty? Have I refused Mercy where Mercy could be shewn without prejudice to the Society, or have I withheld the Sword where the Publick Safety required it should be used for the Punishment of Evil Doers? My Crimes, my only Crimes, are that I have refused to put on the Leading Strings which some Men were vain enough to have prepared for me, and that I have removed those from Places whose Behaviour had rendred them unworthy of the Trust committed to them.

"GEO. THOMAS.

"May 18th, 1742."

The Provincial Treasurer's Account of Expences on Indian Affairs of last Year being laid before the Board, The same is referred to Thomas Laurence & Robert Strettel, Esqrs, to Examine & Report thereupon.

At a Council held at Philadelphia, May 27th, 1742.

PRESENT:

The Honble GEORGE THOMAS, Esq., Lieutenant Governor.

Samuel Preston,	Clement Plumsted,	Esqrs.
Thomas Laurence,	Samuel Hasell,	
Ralph Assheton,	Abraham Taylor,	
Robert Strettell,		

The Minutes of the preceeding Council were Read,

And two Bills from the Assembly entituled, Viz.:

"An Act for the more Easy and Speedy recovery of small Debts;" and

"An Act for continuing & amending the Act of Assembly en-

ituled A Supplement to the Act for Electing Members of Assembly, &t.," were read the first Time.

The Gentlemen to whom the Provincial Treasurer's Account of Expences on Indian Affairs for last Year was Referr'd, Reported that they had Examined the said Account and found the same to be Right, amounting in the whole to £54 0s. 10½d.

A Message from the Assembly to the Governor.

"May it please the Governor:

"Did Controversy, which unhappily subsists between the Governor and us, appear to us in that Light in which he is pleased to say it does to him, 'A matter purely Personal' and 'the Publick Interest' unconcerned, we should have chosen Silence rather than an Answer to his last Message; But whilst we conceive there is a manifest Design against the Liberties of the Freemen of this Province, and every occasion taken to misrepresent our Conduct, to facilitate the obtaining of this End our vindication, as it is just becomes indispensibly necessary, and must apologize for this further Address.

"Sitting upon our own adjournments is a Privilege granted us by Charter from our late worthy Proprietor, & afterwards confirmed by an Act of Assembly. But we know of no Reason given the Governor to complain of our last adjournment, since on our communicating to him our Intention of so doing he was pleased to let us Know 'That he had no objection to the time proposed.' And if we have exercised the same Power 'when a Matter recommended by His Majesty himself was under Consideration,' it was when we were of Opinion it might be done without Injury and consistently with that Duty & Loyalty every good Subject owes to his Prince. Permit us, therefore, to remark, that we look upon this as an Artifice to Interest 'His Majesty,' who in our humble opinion was altogether unconcerned in the Adjournment. The Irony on the Civilities of our former Message, and the Doubts formed of the 'Sincerity of our Professions for restoring the Peace of the Province,' are equally kind: And we admit it was prudently judged 'not to encrease the Public Expence' after having occasioned so much of that kind before.

"The Governor is pleased to inform us That 'a Committee of the Council appointed to consider the Report of a Committee of our House on the proceedings of the late and present Assembly, relating to unhealthy Vessels, have fully answered all that has been objected in that Report.' To which we answer, whenever the Gov. shall be pleased to make their Acts his own, and communicate them as such to us, the Respect due to his Station will entitle them to be considered; without this, as the Council are by our Constitution no part of the Legislature, they have, as Counsellors, no more Right to intermeddle with the proceedings of Assembly than any other

like number of the Freemen whom we represent. They are, 'tis true, a Council of State, and as such are bound faithfully to advise the Governor when he condescends to ask them. If they perform this they discharge their Duty, and whenever they assume a greater Power they exceed the Bounds of their appointment; And if the Governor takes the Liberty of Acting with or against their advice, as he thinks proper, we know of no Obligations we are under of having a greater Regard to them. To 'referr us, therefore, to the Clerk of the Council for a Copy of that Report' might have been spared as a thing of no use.

"The Resolves of the Assembly are not Laws, nor have been contended for as such by us, And yet when they are well founded will have proper Weight. If any number of Men within the Province, against the Tenor of such Resolves, shall exceed their Duty and subject themselves to the Penalties inflicted by the Laws, it will aggravate the Offence, and the Punishment ought to be proportioned to it.

"The Governor is further pleased to say, 'We must excuse him if he insists upon seeing a Law which empowers an Assembly to supersede the Governor's appointment (that is of a Doctor to visit unhealthy Vessels) or to transfer a Power vested by Law in the Governor and Council to any other Magestrates.' And we hope the Governor will excuse us when we say, that he takes a fact for granted in which we are not agreed, & which it is incumbent on him to make good, viz^t. that the Assembly did supersede, or contended they had Right to supersede the Governor's appointment, until when the consequences deduced on the supposition it was done must fall to the Ground. And whenever he shall be pleased to undertake that Task he will oblige us if he will also shew any Right he or the Council have by Law to make such an Appointment exclusive of the Assembly, to be paid for by the Province. And if they had a Right to such Nomination, it could give them no Power to arraign & censure the Conduct of the Assembly at any time, much less after an Adjournment, the Design and consequences of which were justly censured by the Assembly. Hence, it is evident where 'Usurpation' is justly chargeable, from the Danger of 'issuing Edicts,' 'of seizing all the Powers of Government,' is to be apprehended, & whose 'Extravagant Productions' they are, that ought to be 'nipt in the Bud.'

"In the Speech made by the Governor to the Assembly in 1728 (of which Assembly now two only are Members of this House) he was pleased to acquaint them 'that he had positive Orders from Britain to provide by a proper Law against the Crowds of Foreigners who are yearly poured in upon us.' The Assembly by a Message desired the Governor to communicate those Orders to them. He answers them, 'the Orders he had received was a private Letter from the Proprietary Family." Upon which the Bill entitled An

or laying a Duty on Foreigners, &c., was brought in and past
Year 1729. And it appears by the Minutes of that Assem-
at the same Person had the principal Conduct of that Act
afterwards prepared the Address to the Proprietors, mention'd
e Governor's Message, and the words 'for guarding against the
ers which may arise from the great and frequent Importation
reigners,' are interlined with his own hand Writing. One of
entlemen who had so much Land to dispose of carried up the
ess; and how those, who by our Minutes appear to have had
incipal Management of the Affair, should be the same Persons
opposed that part of the address relating to Foreigners,' and
'thing that tended to clog the Importation of them,' appears
as improbable as that the same Persons 'who carried on the
e Affairs with Reputation and were Leaders,' &c., should yet
orne down with the Stream.'

What Merit they may have since obtained in 'supplying the
nor with Money,' we do not know. If the Merit consisted in
asing the King's Bills at an easy Exchange, once publishing
he World, we think, might have been sufficient. But where
ve reproached the Governor with these Gentlemen's confidence
not know, nor have we ever envied them the Honour of that
lence. If their Assistance became necessary, and without
'His Majesty would have been disappointed of the Assist-
expected from this Province,' it must have been owing to the
nor's mis-conduct in the Encouragement he gave to the In-
and carrying away so many hundred Servants, which since
he Province near £2,600. For tho' it is true the Assembly
eclare they could not appropriate any Money to the Uses re-
l, yet they had determined to give £4,000 to the King's Use,
repared a Bill for that purpose, which might have passed had
ie Enlisting so many Servants prevented it.

This put the Assembly on preparing a Petition to be presented
e King in Council, complaining of the abuse, and we think
very great Reason. But that 'our Agent ran about with it to
l of the most eminent Council in England,' or that he re-
l for Answer 'that it could not be expected His Majesty should
re a Governor for a punctual Obedience to his Commands,
or that any one of those Council 'refused to be employed,' is
we do not know, nor till by his Message ever heard of. And
is so frequently deceived in his Intelligence concerning Mat-
ransacted much nearer to him, he must excuse us if we sus-
our belief until we are better satisfied of the Truth of the
. This we have the greater Reason to do since we are credi-
informed that the Inlisting of Servants has not been thought a
tual obedience to His Majestie's Commands,' nor is likely to
e his Royal Approbation. But why, 'the Poor Man we call
gent?' He has been Agent for most of the Northern Colo-

nies, and of some of them many Years, and for aught we ever heard acquitted himself to the Satisfaction of his Employers. Had we made use of these diminutive Epithets, and treated this Gentleman in the manner the Governor is pleased to do, it might have been called, and not unjustly, 'a Departure from Decency.' However, we are sufficiently apprized of the Cause why he shares so deeply in the Governor's Resentments.

"The Governor is pleased further to add, 'If His Majesty, after my Letters relating to the Expedition, and a Copy of the Assembly's proceedings had been laid before him, vouchsafed to signify his Approbation of my Conduct on that Occasion, and that this appears by his Grace the Duke of Newcastle's Letter, communicated by me to the Council here, it is as evident that the applause is not of my own bestowing as it is that your Language and Behaviour shows a Contempt of His Majesty's Sentiments as well as a Departure from the decencies observed by all other publick Bodies towards Persons in Authority.'

"Permit us to observe, the whole of this Paragraph is hypothetical; nothing is directly affirmed by it. 'His Majesty' may or may not have signified his Approbation, notwithstanding any thing herein contained. That some Part of the Governor's Conduct may have obtained his Royal Approbation we have no reason to question, but that the Approbation so bestowed was, as this Paragraph seems to make it, the Result of the King's Judgment on Consideration of the Governor's Letters and the Assembly's proceedings, we own we do Doubt; And if their be not stronger evidence of the Truth of it than 'That our Language and Behaviour shows a Contempt of His Majesty's Sentiments,' there is none at all, Nor are we conscious of having 'departed from the Decencies observed by all other publick Bodies towards Persons in Authority.' If the Governor will be pleased to reflect with what manifest Irony and Contempt he has thought fit to treat us, we think it not reasonable he should have expected smooth Language and abject Submission in return. When Controversies happen it is difficult managing them with so much Delicacy as to avoid giving offence. We may have shewn some Zeal, but we hope no where exceeded the Bounds of Decency.

"The Governor is pleased to proceed: 'After you have thus civilly called me an Imposter in bestowing upon myself an Approbation which you insinuate the King never gave, you go on to impeach my Integrity in clandestinely attempting to deprive you of those Religious and civil Liberties which I had solemnly promised to support.'

"That the Governor, by the Trust reposed in him, ought to support Us in our Religious & civil Liberties, and that he hath solemnly promised so to do, we presume he will not deny. And if, notwithstanding these solemn Promises, he hath actually attempted to deprive us of those Liberties, had we not reason 'to impeach his Integrity?'

"Among other Privileges we at present enjoy, the Assembly have the Right to sit on their own adjournments, to dispose of the Publick Money, and the People call'd Quakers have Right, when duly elected, to sit in the Assembly. All these Privileges, it is plain from the Tenour of the Governour's Letter to the Lords for Trade and Plantations, he represented as inconsistent with His Majestie's Service, and left no room to Doubt but that it was thus done to the Intent those Privileges should be taken from us.

"'His Majestie's Commands to give His Ministers a particular Account of all his Transaction upon that occasion' (which we presume related only to the Soldiers lately raised and sent to the West Indies), can be no Excuse for this extraordinary Conduct, For those Commands might have been fully obeyed by Relating the Transactions which happen'd in that Affair only. But the Governor thought fit to go further, and offers his Sentiments against these Privileges, representing them unfit for us to hold, under pretence of their being not for His Majesty's Service. Did 'His Majestie's Commands' require that the People of this Province should be charged with carrying on Manufactures at very cheap Rates, directly interfering with the Trade of their Mother Country? If this be what the Governor can glory in, let him glory on; his Glory will be little Envied, and perhaps as little Honoured.

"Resentment for Injuries done is the next Reason the Governor is pleased to assign for this unnatural Attack upon our Charter and Privileges, and those Injuries are enumerated in the words following: 'The Assembly laying aside Truth and good manners, first Publickly defamed me in their Messages—they stopt my Salary, they Petition'd the King against me, and they employed Men (some of them without Shame or Honesty) to procure the Depositions of Blacksmiths' Boys and such like Rabble to support it, and then clandestinely transmitted them to England without ever doing me the Justice due even to a criminal, of seeing or hearing the Charge or Evidence.' On so extraordinary an Occasion, the Governor must excuse us if we call upon him to shew Instance of that Assembly's 'laying aside Truth,' or 'Publickly defaming him.' Whenever he shall attempt this, he must allow us to think his Evidence will fail, and that he can no more make it appear than he can that the same Assembly did 'employ Men (some of them without common shame or Honesty) to procure Depositions,' when, in Truth, neither that Assembly nor any other Person with their Privity, or by their directions, ever took any Depositions against the Governor; nor did they nor any body for them, send home any such Depositions. May we not then justly ask who it is that hath 'laid aside Truth' in these Instances? That that Assembly did prepare a Petition to be presented to the King against the Governor, complaining of the Encouragement he had given to the enlisting & carrying away Servants from their Masters, is true, and the Governor, if he pleases to recollect, may

remember that they more than once signified to him their Intentions of so doing. And as that Petition was intended to seek Redress in this particular only, the Assembly did not think themselves obliged to give the Governor a Copy of it; though if he desired it we presume it would not have been refused him.

"The presenting of Petitions is the Right of every of the King's Subjects when they think themselves aggrieved, and the Comparison of 'a Stab in the dark,' as it is applied to a Petition intended to be presented to the King in Council, we think is neither applicable nor decent. It was intended neither 'to blast the Governor's Character' nor 'to ruin his Fortune' (as he is pleased to say), but to obtain Justice.

"Who they are by whom 'the Seeds of Dissension have been plentifully sown to prejudice the Freemen of this Province against the Governor,' or who 'by the grossest Misrepresentations and Falshoods have nourished them,' the Governor has not thought fit to point out. If any part of the Charge be intended against us, we must take the Liberty to deny it.

"Had the Governor been pleased to say a Representation, instead of Petition, had failed, we should have been of his mind, but that a Petition has failed (if it alludes to the Petition before mentioned), we think it too early to judge. And it is not very easy for Us to Apprehend how a Representation can be said to have 'been projected to amuse' those who never said it.

"Who those Craftsmen are that 'have proclaimed aloud our Privileges are in Danger,' the Governor has not informed us. If any such there be, they are among the number of those who lay claim to the Governor's Favour. And we differ in opinion from them; For though, we have too much reason to know, divers of our most valuable Privileges are attacked by the Governor and his Friends, yet we have so great an opinion of the Justice of our Cause that we have not thought them in any real Danger from the Attempt. But if any such Danger there be, it must, amongst 'honest Men,' remain no doubt from whose 'Malice & self Interest' it has arisen.

"That the last Assembly have been charged 'with a piece of Art in the Distribution of the Public Money, by the partiality shewn in Paying the Masters of such Servants inlisted, &c., not according to the value but to the Master's Approbation or Disapprobation of that Assembly's proceedings,' is what we heard nothing of until by the Governor's Message. If the mentioning of it in so publick a manner was with an Intent to give us an opportunity of acquitting that Assembly from a Calumny thrown on them without the least Truth to support it, it is a favour we did not expect; though, in our Opinion, it is not a parliamentary Method of Treating an Assembly to gather up Reports & publish them, without the least Evidence to support the Truth of them; And to return the

Civility, if the Governor shall think it worth his while to peruse such a List as he mentions, we are willing to furnish him with one, from whence he may satisfy his own Judgment as to the Partiality or Impartiality of their proceedings, & publish it too if he pleases. And if he will be pleased at the same time to demonstrate to the Masters of those Servants how he, who formerly so little regarded their Interest as to encourage the Inlisting and carrying away of those Servants, should now be so careful about a just Distribution of the Money amongst them, they may entertain a more favourable opinion of his Conduct than now they do.

"As to the Governor's Support, much is said but a short answer will suffice. When the Governor complained of £1,500 being stopt out of his Support, we thought it necessary to shew, from the best Estimate we could make, how much he did annually receive from the Government towards his Support.

"If the Perquisites of Goverement amount to more than 6 or £700, it is less than we expected, though even this sum would have been judged a handsome Support heretofore. Indeed, if the Governor 'hath spent above £1,000 more than he hath received from both Governments,' his Expenses have far exceeded our expectations, and we believe most people greatly deceived who thought him a much better economist. That part of the Money received by the Governor to which we conceived he had no Right, was that of Fines, which, by an Act of Assembly of this Province, are made payable to the Provincial Treasurer, and, in our Opinion, the Governor had no more Right to appropriate to his own use, without consent of the Assembly, than any other Money paid there. In making of our Estimate of the Perquisites of Government, we did not include the Lower Counties; And if the Governor will excuse us in expressing our Sentiments, we believe his mentioning those Counties was a designed Digression in favour of his Administration there. If it were admitted his Government merited Commendation in those Counties, it does not necessarily follow he hath committed no mistakes in this. The Servants inlisted belonging to those Counties were not carried away from their Masters, but if we are rightly informed discharged by his Orders, and about the same time he was pleased to disclaim the Power of doing it here. Therefore no conclusions can justly be drawn from his Administration there to our prejudice. If the names of 'Imposter, Plunderer, Invader of the Liberties of the People' (with a Tail of et cetera's), be, as the Governor says, the Result of personal Prejudice or of a malignant Party Spirit,' He may be pleased to remember they are names of his own bestowing not ours; and, therefore, it will not become us to deny that he is the best Judge from what spirit they proceeded.

"The Governor is pleased next to enquire 'what Right we have to take our Wages out of the Public Money, in direct opposition to

a known Law of the Province ordering the Payment in another manner?' The answer is easy: The Wages received by the late Assemblies were no more than Five shillings ℔ Diem, which is the Sum directed by Law, and was paid by the Trustees of the general Loan Office in the usual manner. We know of no Law of the Province it opposes. It is certain we have a Law directing how Assembly Men's Wages are to be raised when it is necessary. And it is equally certain there is another Law in force which authorizes the Assembly to dispose of the Interest Money arising on the several Emissions of Paper Money to the Uses they shall think fit. And as that Money has been sufficient to defray the other Public Expence and Assembly Men's Wages too, we have had an undoubted Right to apply it in that manner to prevent a Tax from being laid on the People, many of whom were but too much burdened by the Injustice done them in carrying away their Servants before. To which we may add, that it has been the usual Method of Paying Assembly Men's Wages, even in the time in which the Governor allows the 'Public Affairs were carried on with Reputation.'

"As the 'proceedings of Assembly for more than two Years past' have fallen to our share, it is easy for Us to follow the advice the Governor is pleased to give 'of a dispassionate Review of those proceedings.' Many of us have longed served in the Station, and we know of no time in which there hath been less Debate, fewer Heats, or greater Unanimity than within the time the Governor mentions. "That 'no greater Advantages have been gained to the People we represent' ought not to be attributed as a fault in the Assemblies, unless it had been in their Power. We have, indeed, during that Time been put to a far greater Expence than hath been agreeable to us, and if the Gov^r had reflected how great a part of it was owing to his Conduct, he ought to have been the last who should have made the Complaint.

"We are told (and it is not the first time) what Benefits would have accrued from our having given a Bounty to encourage Freemen to inlist; but it does not suit the Governor to remember that such a Bounty would not have prevented the Inlisting & carrying away of Servants. By his Encouragement many of them were Inlisted before the Assembly were called or had Time to have given a Bounty, had they been so disposed; And even after the Assembly met, and a Bill was preparing to give £4,000 to the King's Use, the Governor refused to direct those Servants to be discharged, some few excepted, which occasioned the Dropping of that Bill. After this the Assembly came into a Resolution of giving Three Thousand Pounds to the King's Use, provided those Servants were discharged; But this was again denied, and this Resolve was represented as an Artifice to keep our Money. When the Servants so Inlisted were actually carried away, to the almost irreparable Loss of divers of their Masters, the Assembly, in Compassion to their distressed Circumstances, gave about £2,600 to make them

some Compensation, And have since given upwards of £3,000 to the King's use besides. The Legality of this Gift to the Crown is now made a question, and instead of being too saving our Fault is now represented the being too liberal of the Publick Money. Hence, we find let us do what we will we are not to escape Censure.

"We are ask'd, 'Has the Honour of the Province been advanced, or the Favour of the Crown or our Mother Country engaged,' &c. Of this, perhaps, we are incompetent Judges. It is for the Honour of the Province that the Representatives of the Freemen shou'd contend for their Privileges, as occasion requires, & steadily adhere to them; And as no Assembly would shew a greater Regard to the Commands of the Crown than we in Matters wherein our Religious Perswasions would permit us, so we have no Reason to doubt the same Indulgence from the Crown and our Mother Country we have hitherto enjoyed. The Charge of 'Odious Insinuation and bitter Invectives,' is harsh and general, but, we think, mistaken. If, when we have apprehended the Rights and Privileges of our Constituants illegally attack'd, we have expressed our selves with some zeal, as it was necessary, the World cannot justly call our 'Meekness and Moderation' in Question; nor is it any 'Disreputation to the Society of which we are Members.'

"The Governor is pleased to tell us, 'If he knows anything of himself he is as much a friend to Liberty as the most zealous Assertor of it in the Place.' We answer, Actions speak louder than Words; When the Governor shall desist from that Complaint by which he seeks to deprive us of ours, we shall have stronger Evidence of the Truth than any we are furnished with at present.

"People may, 'tis true, grow wanton with Liberty, and the Governors may play the wanton with the Liberties of the People. The Memory of what has pass'd in our Time, as well as History, afford us Examples of both; and perhaps the Latter are the most numerous.

"As to the Interrogatories near the Close of the Message, if they are proposed to us, we cannot Answer them in the manner which may be agreeable to the Governor, and therefore desire to be excused from any.

"'That some Men have been vain enough to prepare Leading Strings for the Governor' we must take it for granted, since he is pleased to tell us so. But if we may be allowed to speak freely, it is not, in our opinion, his refusing to be led, but because he was misled, which gave the greatest occasion of Complaint.

"Removing of Officers in an Arbitrary manner, may be justly ranked among the principal Grievances in any Government. The Governor has thought fit to remove divers in this Province; And as this has happened since the unhappy differences subsisted among

us, it could not (as the Governor seems to make it) be the cause, but must be the effect of those Differences. No Complaint was ever made of those Officers that we have learn't, and therefore there is great Reason to think it was not because 'their Behaviour had render'd them unworthy of the Trust reposed in them,' but because they had more Honour than to Sacrifice their Judgments to the Will of a Governor; or, in other words (if he will allow us to borrow the Metaphor), their 'refusing to put on the Leading Strings which some Men were vain enough to have prepared for them.'

"Signed by Order of the House,

"JOHN KINSEY, Speaker.

"3d Month, 27th, 1742."

A Message from the Governor to the Assembly.

"Gentlemen:

"Whilst You continue to misrepresent me to the World in your Messages, and to pursue me with Accusations injurious to my Honour, you ought to excuse me if I take a reasonable Time for my own Vindication, preferable to any Business You have laid before me, lest Silence should be construed into a Confession of the Matters You have charged me with. For the present give me leave to say, that whatever harsh Constructions you put upon my Actions, the Honble Proprietors to whom you have appealed, have, after the most impartial review of your & my Conduct, been pleased to do me ample Justice. I can truly say that I have done all in my Power for the Security and Welfare of His Majestie's Subjects under my Care, nor do I now think the Treatment I have met with (how much Reason soever I may have to complain of it) can in any Degree discharge me from the Obligations I am under to promote their ease and Happiness. The Bills you have laid before me I suppose You judge necessary for these Ends, and as such they will not fail of having their due Weight and Influence with me; Wherefore, I shall keep these and any others You shall think to present to me under Advisement, until I see what Resolutions You shall come to for restoring the Publick Peace, Honour, and Justice. If You fully do your Duty, nothing shall be wanting on my part to render them effectual here and agreeable to our Superiours in England.

"GEO. THOMAS.

"May 28th, 1742."

A Message from the Assembly to the Governor.

"May it please the Governor:

"To defend the Rights and to remonstrate the Grievances of the Freemen of this Province, as occasion requires, is the indispensable Duty of their Representatives; and if in the Discharge of this part of our Duty, we are said 'to misrepresent the Governor to the World,'

'and to pursue him with Accusations injurious to his Honour,' as we have Truth and Justice on our side, we are the better able to bear it.

"The Bills we have presented to the Governor are really such as we 'judge necessary'—'to promote the ease and Happiness' of our Constituents; and yet, it must be owned, it is in his Power to prefer 'his own Vindication'—'to any Business we have laid before him.' If such be the Governor's Pleasure, we must acquiesce with his taking any time he shall think reasonable to this End.

"It would be very agreeable to us if, without Violence to our Judgments, we could entertain like Sentiments of the 'Impartiality' and 'ample Justice' of the Proprietors which the Governor is pleased to express. Men of the greatest Abilities and Integrity must be allowed not the most competent Judges in their own Case; & it affords no great Matter of Wonder to find the Proprietors bestow their Approbation on those Actions (it seems) their own Instructions first gave rise to.

"If the Governor really thinks no Treatment he has met with 'can in any Degree discharge him from the Obligations he is under to promote the Ease and Happiness of His Majestie's Subjects' here, and the Bills we have presented be admitted 'necessary for these Ends,' Why then should their Success on any 'Resolutions we shall come to?'

"We have reason to know there are at this time very pernicious Attempts on Foot to deprive the Freemen of this Province of some of the most valuable Privileges they now enjoy. These Attempts we are firmly resolved vigorously to oppose to the utmost of our Power; and if the Governor shall think to join his Assistance against these mischevious Enterprizes, no Method, in our opinion, can possibly be taken which will more contribute to restore 'the Publick Peace, Honour, & Justice.'

"The Prospect of an honourable End to our unhappy Disputes would afford us great Pleasure; the Expedient we have mention'd we judge best adapted to answer this End, and to engage us to continue with the greatest Chearfulness 'fully to do our Duty.'

"Sign'd by Order of the House.

"JOHN KINSEY, Speaker.

"3d Mon., 29th, 1742."

—

July y^e^ 2d.

The Deputies of the six Nations having at their last Visit agreed to release their Claim to all the Land on both sides of the River Sasquehannah as far South as this Province extends, and to the Northward to those called the Endless Mountains or Kittochtenny

Hills, in Consideration whereof they then received a large Quantity of valuable Indian Goods for the Lands situate on the Eastern side of the said River, but declined at that Time to receive any for those on the Western side of the said River, choosing to defer the same till another Visit.

A large Number arrived from these Nations at Philadelphia, on Wednesday, the 30th of June, with Deputies duly impowered to receive the said Goods, and acquainted the Governor that being weary from the fatigue of their long Journey they should crave three or four Days to rest themselves before they proceed to their Business. In the mean Time they would wait on the Governor to discourse according to their usual Method about News and other Occurrences, which the Governor readily agreed to, and asked them when they would choose to pay their first Visit, which they desiring might be on friday, the 2d July, in the afternoon, the Council was accordingly summoned, and being met at Mr. Logan's House,

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

James Logan,	Samuel Hasell,	Esqrs.
Samuel Preston,	Ralph Assheton,	
Clement Plumsted,	Abraham Taylor,	
Thomas Laurence,	Robert Strettell,	

The Chiefs of the Six Nations with the Chiefs of the Shawonese.

Canassatego, the Onondaga Chief, Speaker,

Conrad Weiser, Interpreter.

The Governor open'd the Conference as follows:

"Brethren:

"The proprietor having purchased certain Lands from your Nations about Six Years ago, A Moiety of what was agreed to be given in Consideration of that Purchase was at that Time delivered to them, and the other being at their own desire left in the Proprietor's Hands, he press'd you by Shick Calamy to send last Year for it, and would have been glad to have seen You and taken You by the Hand before his Departure; But as the Design of this Meeting is to hear Your News and converse together in a free & friendly Manner, I shall say no more about the Goods than that they lye ready at the Proprietor's House, and will be delivered when you shall have sufficiently rested from the fatigue of your Journey."

The Chief of the Onondago's Spoke.

"Brethren:

"We propose to rest four days and then come to the Main Business. At present we are at a Private Conference about News, and have something of this Sort to mention to our Brother Onas. And

Governor's signifying they would be glad to know what it
e Chief proceeded—

ethren:

is our Way when we come to our Brethren or any other Per-
ıom we live in strict ffriendship with, to remove all Obstruc-
› a good Understanding; with this View we are to inform
a Piece of disagreeable News that happen'd in our Journey.
hite People living at a place called Conegocheege, whose
we cannot tell, nor whether they belong to this or the neigh-
ɀ Government, but one of them, as we heard, had his House
›ver his Head some Years ago, and he was brought down a
ɛr and committed to the Jayle of this City. These People
g of our Young Warriors as they were hunting, made some
ls about the Purchasing of Land from them, and Our Young
eing indiscreet and unacquainted with Publick Business,
ıolish enough to hearken to them and to receive five Duffield
s for two Plantations on the River Cohongoronta. A Ce-
› Indian and a ffrench Indian, and some others that were in
ny, had three Duffield Strowds and went away with them,
ır Young Men carryed off the other two. As soon as this
› Our Knowledge we sent for our Warriours, and after Ex-
g and rebuking them severely we took away their two Duf-
rouds and Publickly censured them for Exposing Us to our
en of Pennsylvania in doing a thing so inconsistent to our
ɜments to them. You are, said We aloud that all our People
hear and take Notice, to know & remember that the Six Na-
ave obliged themselves to sell none of the Land that falls
the Province of Pennsylvania to any but our brother Onas,
at to sell Lands to any other is an high Breach of the League
ndship. Brethren, this rash Proceeding of our Young Men
us Ashamed. We always mean well, and shall perform
lly what we have Promised. And we Assure You this Af-
s transacted in the manner we have related without our Pri-
Consent; And that you may be fully convinced of this, and
sincerity of Our Intentions, we have brought you these two
d Strowds [here he presented two red Strouds to the Gov-
]; they are the very Strouds Our Young foolish Men received.
ık them from them, and we give them to You to return to
white people who made the Bargain, and desire when the
s are returned to them they may be told what we now say,
at we shall not confirm such Bargains nor any other that may
re with our Engagements to our Brother Onas."

Governor then Spoke:

hren—

thank you for this piece of News. You have taken this mat-
fectly right. All bargaining for Land within this Province

is to be sure a manifest breach of your Contract with the Proprietors, and what we know you will not countenance. We have hitherto found the six Nations faithful to their Engagements and this is a fresh Instance of their Punctuality. You could not help these mistakes of your Young Men—they were not done in your presence; but as several Inconveniences may arise from these kind of Clandestine Sales, or from any such loose Sales of Land by your People, we desire you will on your Return home give public notice to all your Warriours not to bargain for any Land, or if they do that you will not confirm such Bargains. And that this very Affair, with what you have done therein, may be particularly reported to all your Nation assembled in Council."

The Onondago Chief promised to give such Publick Notice; and desiring liberty to mend his former Speech, he proceeded:

"Brethren—

"I forgot one Circumstance. Our people who pretended to sell the Land demanded a Belt of Wampum of the Buyers to carry to their Chiefs, and on their declaring they had no Wampum, Our Warriours said they would not Answer that their Chiefs would confirm this Bargain, since they never did any thing of this Nature without Wampum."

The Governor after a short pause spoke:

"Brethren of the Six Nations:

"I shall take this Opportunity to relate to you a piece of disagreeable News I received some Days ago in a Letter from Le Tort, the Indian Trader at Alligheny, who says that in May last some Indians of the Taway Nation, supposed by Us to be y^e^ Twightways, in their Return from War called and stay'd some Time with the Shawonese, who being asked and denying they had brought either Scalps or Prisoners, the Shawonese suspecting them had the Curiosity to search their Bags, and finding two Scalps in them that, by the Softness of the Hair, did not feel like Indian Scalps, they wash'd them clean and found them to be the Scalps of some Christians. On this Discovery the Twightwys were so much ashamed that they stole away in the Night Time, and coming, as they afterwards understood, to a little Village belonging to the Shawonese, they told our People that their Hearts were full of Grief, for as they came along the Road they found it all Bloody, and having good Cause to believe it was made Bloody with the Blood of some of the white Brethren, they had very sorrowfully swept the Road, and desired them to inform the Governor of Pennsylv^a^ of their (the Twightwys) Grief, and how they had swept the Road clean. Le Tort adds on behalf of the Shawonese, that they were much troubled and grieved at this unfortunate Accident, and Pray'd, as they had no concern in it more than by being Instruments to discover it, their Brethren would not blame them, nor suffer a Misun-

ling to arise between them on this Account; they would
ıe Road clean and wipe all the Blood away, and desired their
n would be satisfied with this, and not weep too Much for a
ıne that might not happen again as long at the Sun & Moon

Person who delivered me Le Tort's Letter, brought this
of Skins. As a present to me, but I told the Messenger I
ot meddle with it, he might leave it if he pleased, the Af-
ear'd to me in a bad Light, and I would represent it to the
ions, who were expected in Town every Day. This is the
I have it from Le Tort. I desire to be informed if you know
ng of the Matter, and if You do not, that you will make
Enquiry who committed the Murder, and who are the un-
lufferers, and Assist Us to obtain Satisfaction, if it shall ap-
be any of our fellow Subjects that have been treated in this

inforce this request I present you with this String of
m."

)nandago Chief, in reply, said:

ren—

take this Information kindly at your hands; we will take
ing of Wampum home with Us to our Lodgings, and there
about the most regular & proper Steps to be taken by Us to
your Expectations, and when we have duly condsidered the
re will return You an Answer."

this the Governor put an End to the Conference, and call-
Wine & other Liquors, according to the Indian Custon, af-
cent and Cheerful Entertainment the Indians withdrew.

5th July, 1742.

Council held at the Proprietor's House.

PRESENT:

Honourable GEORGE THOMAS, Esqr., Lieutenant Gov-

James Logan,
Clement Plumsted, } Esqrs.

several other Gentlemen of the Town.

Chiefs of the Six Nations.

ng judg'd proper at this critical Time, when we are in Daily
tion of a ffrench War, to sound the Indians & discover what
nce we might have on them in Case their aid should be
An handsome Dinner was provided for their Chiefs, and
ey had made an hearty Meal and Drank his Majesty's

Health, the Proprietors, and the Health of the Six Nations, the Chiefs gave the solemn Cry in Testimony of their Thanks for the Honour done them, and soon after the Governor in a free Way began to Enquire for what reason the Senecas were not come down, since they had an Equal Right to a Share of the Goods with the other Nations. Canassatego, their Speaker, said the Senecas were in great Distress on Account of a ffamine that raged in their Country, which had reduced them to such Want that a ffather had been obliged to kill two of his Children to preserve his own & the rest of his ffamily's Lives, and they could not now come down but had given Directions about their Share of the Goods.

The Governor Expressed his Concern for the unhappy Circumstances of their Brethren of the Seneca Nation, and after a short respite enquired if any of their Deputies were then at Canada, and whether the ffrench Governor was making any warlike Preperations. And on their Answering Yes, the Governor said with a smiling, Pleasant Countenance, I suppose if the ffrench should go to Warr with Us you'l join them. The Indians conferred together for some Time, and then Canassatego, in a chearful lively manner, made Answer, We assure you the Governor of Canada Pays our Nation great Court at this Time, well knowing of what Consequence we are to the ffrench Interest. He has already told Us he was uncovering the Hatchet and Sharpening it, and hoped if he should be obliged to lift it Up against the English, their Nations would remain Neuter, And Assist neither side. But we will now speak plainly to our Brethren. Why should We, who are one fflesh with You, refuse to help You whenever You want our Assistance. We have continued a Long Time in the strictest League of Amity and ffriendship with You, And we shall always be faithful and True to you, our Old and good Allies. The Governor of Canada talks a great deal, but ten of his Words do not go so far as one of yours. We do not look towards them, We look towards you, and you may depend on our Assistance. Whilst the Onondago Chief made this open & hearty Declaration, all the other Indians made frequently that particular kind of Noise which is known to be a Mark of approbation. The Governor bid the Interpreter tell Canassatego he did not set on foot this Enquiry from any Suspicion he had of the Six Nations wanting a due regard for the English—Our Experience of their Honor & ffaith would not permit Us to think any other of them than that they would esteem our ffriends their ffriends, and our Enemies their Enemies, agreeable to the strict Union which had ever subsisted between us; As to the Governor of Canada they need not mind what he said. The English on Equal Terms had beat the ffrench, and could beat them again, and were they but to consider the advantages which the English have by possessing so many large and populous Countries and so many good ports on the Continent of America, they would soon see who had most reason to fear a War, the ffrench or the English.

Here the Conversation dropt, and after another Glass of the Wine ne Indians resum'd the Discourse by asking whether their Brethren ad not been for some time engaged in a War with the King of pain, and what Successes they had met with.

The Governor told them the King of Great Britain liv'd in an land, and being surrounded with the Sea his Chief Strength lay his Ships, in which he was so much Superior to his Enemies that ey were seldom to be met with on the Broad Ocean, but skulk'd & id themselves, only venturing out now & then, and when ever they id they were almost sure to be taken. And that the King of reat Britain with his Ships had beat down or taken several of ne Spaniards, Great fforts in America. The Indians said they were eas'd to hear their Brethren were an Overmatch for their Enemies, nd wished them good Success.

The Governor then enquired into the State & Condition of the ations to the Westward of the Great Lakes, and whether they ad any Warriors then in those Countries, whether they had con-luded Peace with the Southern Indians, and whether they had eard what their Deputies had done at Albany.

They made Answer that they had always abundance of their Men at amongst the Nations to the Westward. That they had kindled fire with a Vast many Nations, some whereof were their Tribu-aries, and they had a good understanding with all. They set from heir own Country in Company with two Setts of Deputies, One oing to hold a Treaty with the Southern Indians, and they believed a Peace would be concluded, and the other going to meet the Gover-or of New York at Albany, but they could not tell what had een done at either Place. On their Return they were to hold a eneral Council, and would inform their Brethren of these parti-ulars.

Then the Governor put an End to the Conference by telling the ndians the Goods would be delivered to them at a Council to be eld to-morrow afternoon at the Meeting House.

At a Council held in the Meeting House at Philada., July 6th 1742.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

James Logan, Samuel Preston, Clement Plumsted, Ralph Assheton, Abraham Taylor, Robert Strettell, } Esqrs.

Upwards of two hundred Indians.

Canassatego, Speaker.

Conrad Weiser, Interpreter.

The Governer Commanding Silence spoke as follows:

"ffriends and Brethren of the six Nations—

"Six Years a ago, a Number of Your Chiefs obliged Us with a Visit, when they agreed on behalf of your Nations to the release of Certain Lands on both Sides the River Sasquehannah to the Southward of the Endless Mountains, and within the Limits & Bounds of the King's Grant of this Province. In Consideration of which a certain Quantity of Goods was agreed on, and delivered as a full satisfaction for the said Lands lying on the Eastern side of the said River, And for the Land on the Western side of the said River You desired the payment should be deferred till another Opportunity; these goods, which are Exactly the same in Quality as those You received the last Time the Chiefs of your Nations were here, have been ready a considerable Time, and kept in Expectation of your coming for them, and now You are come down, fully impowered by your respective Councils to receive them, We are well pleased to deliver them, Leaving it to you to make a fair and equal Division of them amongst yourselves.

"We are sorry for the Absence of our Brethren the Senekas, and much more so that it should be owing to their Distress at home by a ffamine which Rages in their Country; A ffamine so great that you tell Us a father has been Obliged to Sacrifice one part of his ffamily, even his own Children, for the Support and Preservation of himself and the other part. We heartily Commiserate their Condition, and do not doubt but you will do them fair and ample Justice in the disposal of their part of the Goods in such manner as they have Instructed you. Here the List of Goods was read over, which is as follows, Viz^{t}:

"500$^{lb.}$ Powder,	60 Kettles,
"600$^{lb.}$ Lead,	100 Tobacco Tongs,
"45 Guns,	100 Scissars,
"60 Stroud Match Coats,	500 Awl Blades,
"100 Blankets,	120 Combs,

100 Duffil Match Coats,	2,000 Needles,
200 Yards of Half thick,	1,000 Flints,
100 Shirts,	24 Looking Glasses,
40 Hats,	2lb. Vermilion,
40 Pair of Shoes & Buckles,	100 Tin Potts,
40 Pair of Stockings,	1,000 Tobacco Pipes,
100 Hatchets,	24 Doz^{n} of Gartering,
500 Knives,	200lb. of Tobacco, and
100 Hoes,	25 Gallons of Rum.

"And then the Governor told them that the Goods of which the Particulars had been just read to them were in the Meeting House, and would be sent to whatever place they would direct.

"You have often heard of the Care that your great and good friend & Brother, William Penn, took at all Times to Cultivate a perfect good Harmony with all the Indians; Of this your Nations have ever been fully Sensible, but more especially a Number of Your Chiefs, about Ten Years ago, when on the arrival of a Son of your said Great ffriend William Penn, large and Valuable Presents were Exchanged by Us with You. A new Road was made and Clear'd, a new ffire kindled, and the Chain of ffriendship made Stronger, so as to last while the Sun & Moon endure.

"And now We cannot but congratulate our Selves that your coming should happen at a Time when we are in Daily Expectation of War being declared between the King of England & the ffrench King, well knowing that should such Warr happen it must very sensibly Affect you, considering your situation in the neighbourhood of Canada.

"Your coming at this Juncture is particularly fortunate, since it gives us an Opportunity of mentioning several Things that may be necessary to be settled between People so strictly and closely united as we are—An Union not to be Expressed by any thing less than the Affectionate Regards which Children of the same Parents bear for each other, as conceiving our selves to be one flesh and one People. The utmost care therefore ought mutually to be taken by Us on both sides, that the Road between Us be kept perfectly clear and open, and no Letts not the least Obstruction be suffered to lye in the Way, or if any should by accident be found that may hinder our free Intercourse & Correspondence, it must forthwith be removed.

"To inforce this we lay down a String of Wampum.

"In the next place, we on our part shall enlarge our ffire that burns between Us, we shall provide more fewel to increase it and so make it burn brighter and clearer, and give a stronger and more lasting Light & Warmth.

"In Evidence of our Sincere Intentions we lay down this Belt of Wampum.

"In the Last place considering the Obligations we are mutually under by our several Treaties that We should hear with our Ears for You and you hear with Your Ears for Us, We shall at all Times very willingly give you the Earliest and best Intelligence of any designs that may be found to your Disadvantage; And if you discover any preperations that can hurt Us we desire you will immediately dispatch some suitable Person in whom we can place a Confidence to give Us a proper Information.

"To inforce this Request as well as to brighten the Chain, we lay down this other Belt of Wampum.

"On the Governor's concluding the Speech, the Solemn Cry by way of Approbation was repeated by the Indians as many times as there were Nations present, and then Canassatego rose up and spoke:

"Brethren:

We thank you for your kind speech. What you have said is very agreeable to Us, and to-morrow, when we have deliberated on the several Matters recommended to Us, will give you our Answer. We desire, as our Time will be wholly taken up in Council, you will Order the Goods to be carried back to the Proprietaries, to prevent their being Lost, and that they may continue there till we call for them.

At a Council held at Philadelphia, July the 7th, 1742.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieu^{t} Governor.

Thomas Laurence, Samuel Hasell,
Ralph Assheton, Abraham Taylor, } Esqrs.
Robert Strettell,

The Ship Constantine, Henry Elwes, Master, arriving in this Port Yesterday, and it being reported that her Crew and Passengers were very sickly, the Governor thereupon imediately order'd the Ship to be removed a Mile at least from the Town, and that she should be visited by Doctors. And accordingly Doctors Bond & Zachary visited the said Ship, & reported that those on Board had generally recovered of a putrid infectious ffever, many of whom had still the Eruptions, and a few but lately well, wherefore they are of Opinion it would be necessary for the safety of the Inhabitants of the City to prevent their immediate Landing.

And the Governor being informed that notwithstanding his Order to the Master to remove the Ship and not Suffer any Passengers to Land, five or six Passengers were Landed into the Town, some whereof had the Disease Strong upon them, He thereupon sent to the several Houses where they were Lodged to order the sick to be removed into the Country or back on board the Ship.

The Board taking into Consideration the Danger which may attend the Master's Landing sick Passengers into the Town, contrary to Law, were of Opinion that the Attorney General should be order'd to prosecute the said Master for this his Transgression.

And it is recommended to Mr. Laurence and Mr. Hasell to take care that such of the Passengers as are sick in Town be removed into the Country.

And Mr. Laurence undertakes that the German Passengers shall all be Landed at ffisher's Island, where care shall be taken for them, And that the Ship shall be well cleaned.

At a Council held in the Meeting House, July the 7th, P. M.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut^{t} Governor.

James Logan, Samuel Preston,
Samuel Hasell, Thomas Laurence, } Esqrs.
Robert Strettell, Abraham Taylor,

Canassatego's Speech on behalf of the six Nations.

"Brethren, the Governor, Council, & all present:

"According to our Promise, we now propose to return You an Answer to the several Things mentioned to Us Yesterday, and shall beg Leave to speak to Public Affairs first, tho' they were what you spoke to Last. On this Head you Yesterday put Us in Mind, first, 'of William Penn's early and Constant Care to Cultivate ffriendship with all the Indians, Of the Treaty we held with one of his Sons about ten Years ago, And of the necessity there is at this Time of keeping the Roads between Us clear and free from all Obstructions.' We are all very Sensible of the kind regard that good Man, William Penn, had for all the Indians, and cannot but be pleased to find that his Children have the same. We well remember the Treaty you mention, held with his Son on his Arrival here, by which we Confirmed our League of friendship that is to last as long as the Sun & Moon endures. In Consequence of this we, on our part, shall preserve the Road free from all Incumbrances, in Confirmation whereof We lay down this String of Wampum.

"You, in the next Place, said You would enlarge the ffire and make it burn brighter, which we are pleased to hear You mention, And Assure You we shall do the same by adding to it more fewell, that it may still flame out more strongly than ever. In the last place You were pleased to say, that we are bound, by the Strictest Leagues, to watch for each other's Preservation; That we should hear with our Ears for You, and You hear with Your Ears for Us; this is equally agreeable to Us, and we shall not fail to give you

early Intelligence whenever any thing of Consequence comes to our Knowledge, and to Encourage You to do the same; and to nourish in Your Hearts what you have Spoke to Us with Your Tongues about the renewal of our Amity and the brightning of the Chain of ffriendship, We confirm what we have said with another Belt of Wampum.

"Brethren:

"We received from the Proprietors Yesterday some Goods, in Consideration of our Release of the Lands on the West side of Sasquehannah. It is true we have the full Quantity according to Agreement, but if the Proprietor had been here himself, we think in regard of our Numbers and poverty he would have made an Addition to them. If the Goods were only to be divided amongst the Indians present, a single Person would have had but a small Portion, but if you consider what Numbers are left behind, equally intitled with Us to a Share, there will be extremely little. We therefore desire, if you have the Keys of the Proprietor's Chest, you will open it and take out a little more for us.

"We know our Lands are now become more Valuable; the white People think we don't know their Value, but we are sensible that the Land is Everlasting, and the few Goods we receive for it are soon Worn out and Gone; for the future, we will sell no Lands but when Brother Onas is in the Country, and we will know before hand the Qnantity of Goods we are to receive; Besides, we are not well Used with respect to the Lands still unsold by Us. Your People daily settle on these Lands and spoil our Hunting. We must insist on your removing them, as you know they have no right to the Northward of Kittochtinny Hills. In particular, we renew our Complaints against some People who are settled at Juniata, a Branch of Sasquehannah, and all along the Banks of that River as Mahaniay, and desire they may be forthwith made to go off the Land, for they do great Damage to our Cousins the Delawares.

"We have further to observe with respect to the Lands lying on the West side of the Sasquehanna, that tho' brother Onas (meaning the Propr.) has paid Us for what his People possess, Yet some parts of that country have been taken Up by persons whose place of residence is to the South of this Province, from whom we have never received any Consideration. This affair was recomended to you by our Chiefs at our Last Treaty, and you then, at our earnest desire, promised to write a Letter to that person who has the authority over those People, and to procure Us his Answer. As we have never heard from you on this head, we want to know what you have done in it. If you have not done anything we now renew our Request, and desire You will inform the Person whose people are seated on our Lands, that that Country belongs to Us in right of Conquest—We having bought it with our Blood, and taken it from our Enemies in fair War; And we Expect as Owners of that Land to

receive such a Consideration for it as the Land is worth. We desire you will press him to send Us a positive Answer; Let him say Yes or No; if he says Yes, we will treat with him; if No, we are able to do ourselves Justice, and we will do it by going to take payment on ourselves.

"It is Customary with Us to make a Present of Skins whenever we renew our Treaties. We are ashamed to Offer our Brethren so few, but your Horses and Cows have eat the Grass our Deer used to feed on. This has made them Scarce, and will, We hope, plead in Excuse for our not bringing a larger Quantity; if we could have spared more we would have given more; but we are really poor, and desire you'l not consider the Quantity, but few as they are accept them in Testimoney of our Regard."

Here they gave the Governor a Bundle of skins.

The Governor immediately replied:

"Brethren—

"We thank you for the many Declarations of Respect you have given Us in this solmen renewal of our Treatise. We receive and shall keep your string & Belts of Wampum as pledges of your sincerity, and desire those We gave you may be carefully preserved as Testimonials of ours.

"In answer to what You say about the Proprietaries, They are all absent and have taken the Keys of their Chest with them, so that We cannot on their Behalf enlarge the Quantity of Goods; were they here they might perhaps be more generous, but we cannot be liberal for them. The Government will, however, take your request into Consideration and in regard to your poverty may perhaps make you a present. I but just mention this now, intending to refer this part of your Speech to be answered at our next meeting.

The number of Guns as well as everything else answers exactly with the particulars specified in your Deed of Conveyance, which is more than was agreed to be given you. It was your own sentiments that the Lands on the West side of Sasquehannah were not so valuable as those on the East, and an abatement was to be made proportionable to this Difference in Value; but the Proprietor overlook'd this, and order'd the full Quantity to be delivered, which you will look on as a favour.

"It is very true that Lands are of late become more Valuable, but what raises their Value? Is it not intirely owing to the Industry & Labour used by the white people in their Cultivation and Improvement? Had not they come amongst You these Lands would have been of no Use to you any further than to maintain You, and is there not, now you have sold so much, enough left for all the Purposes of living? What you say of the Goods that they are soon worn out is applicable to every thing, but you know very well that

they cost a great deal of Money, and the Value of Land is no more than what it is worth in Money.

"On your former Complaints against people settling the Land on Juniata, and from thence all along on the River Sasquehannah as far as Mahaniahy, some Magistrates were sent expressly to remove them, and we thought no person would stay after that."

Here they interrupted the Governor, and said these persons who were sent did not do their Duty; so far from removing the people, they made Surveys for themselves, and they are in League with the Trespassers. We desire more effectual Methods may be used, and honester persons employ'd.

Which the Governor promised, and then proceeded:

"Brethren—

"According to the Promise made at our last Treaty with you, Mr. Logan, who was at that Time President, did write to the Governor of Maryland that he might make You Satisfaction for such of your Lands as his People had taken up, but did not receive one word from him upon that head. I will write to him again, and endeavour to procure You a Satisfactory Answer. We do not doubt but he will do You Justice, but we exhort you to be careful not to Exercise any Acts of Violence towards his people, as they likewise are our Brethren, and Subjects of the same great King, and therefore Violence towards them must be productive of very evil Consequences.

"I shall conclude what I have to say at this Time with acknowledgements for your present, which is very agreeable to Us from the Expressions of Regard Used by You in presenting it.—Gifts of this Nature receiving their Value from the Affection of the Giver, and not from the Quantity or price of the thing given.

At a Council held at Philada., July 8th, 1742.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieuten^{t} Governor.

James Logan,	Samuel Preston,	Esqrs.
Clement Plumsted,	Thomas Laurence,	
Samuel Hasel,	Ralph Assheton,	
Abraham Taylor,	Robert Strettell,	

The Board taking into Consideration whether it be proper or not at this Time to make a Present to the Indians of the six Nations now in Town, in return for their Present to this Government at Yesterday's Treaty.

Resolved,

That it is highly fit and proper that a Present be made to the said Indians at this Time.

And it is the Opinion of this Board that the said Present should be of the Value of £500, or at least £300.

And it is recommended to Mr. Logan, Mr. Preston, and Mr. Laurence, to Acquaint Mr. Kinsey, the Speaker of the Assembly, with the Opinion of this Board, and that they request him to confer with such other Members of Assembly as are in Town, and report their sentiments thereupon.

The Board taking into Consideration the Threats express'd by the Indians at the Treaty Yesterday against the Inhabitants of Maryland settled on certain Lands on the West side of Sasquehannah, which the Indians claim, and for which they require Satisfaction, And considering that should those Threats in any sort be put in Execution, not only the Inhabitants of Maryland but of this Government, and all his Majestie's Subjects on the Northern Continent of America may thereby be involved in much Trouble, It is the Opinion of this Board that the Governor write to the Governor of Maryland without Delay, to inform him of the Indians Complaint & threats, and to request a Satisfactory Answer, And that his Letter be sent by a special Messenger at the publick Expence.

At a Council held July 9th, 1742.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieuten^{t} Governor.

James Logan, Samuel Preston, Clement Plumsted, Ralph Assheton, Samuel Hasell, Thomas Laurence, Robert Strettell, } Esqrs.

& Mr. Peters.

The Governor informed the Board that the Indian Chiefs dining with him Yesterday, after Dinner delivered their Answer to two affairs of Consequence. The first related to the Violent Battery committed on William Webb in the fforks of Delaware, whereby his Jaw Bone was broke and his Life greatly indangered by an unknown Indian. Cannassatego repeating the Message delivered to the six Nations by Shick Calamy, in the Year 1740, with a String of Wampum, said in Answer: The six Nations had made diligent Enquiry into the affair, and had found out the Indian who had committed the ffact. He lived near Osopus, and had been examined and severly reproved; And they hoped, as William Webb was recovered, they hoped the Governor would not Expect any further Punishment, And therefore they returned the String of Wampum received from their Brethren by the Hand of Shick Calamy, in token that they had fully complied with their request.

I thanked them for their Care, but reminded them that tho'

the Man did not Dye, yet he lay a long Time in Extreme Misery, and would never recover the free Use of his Speech, and was render'd less able to get his Livelihood; and in such Cases the English Laws obliged the Assailant to make good all Damages, besides paying for the Pain Endured; But as the Indian in all Probability was poor and unable to make Satisfaction, I told them that for their Sakes I would forgive him, Adding had Webb dyed I make no Doubt but you would have put the Indian to Death, Just as we did two of our People who had killed an Indian. We caused them to be hung upon a Gallows in the presence of many hundreds of our People, to deter all others from doing the like. Canassatego made me this Reply: The Indians know no punishment but Death; they have no such thing as pecuniary Mulcts; if a man be guilty of a Crime he is either put to Death or the fault is over look'd. We have often heard of your hanging up those two persons, but as none of Our Indians saw the Men Dye, many believe they were not hanged but transported to some other Colony; and it would be satisfactory to the Indians if for the future that some of them be sent for to be Witnesses of such Executions. I assured them that whoever gave them such Information abuse them, for the Persons certainly suffered Death, and in the presence of all the People.

Canassatego then proceeded to give an Answer to what was said to them the 2d Instant relating to Le Tort's Letter, That they had in Council considered in what Manner the matter recommended to them ought to be conducted, And they were of Opinion That as the Shawonese, not the Twightwys (for they knew so much of it that the People were of the Twightwys Nation in whose Bags the Scalps were found), had sent me a Present of Skins. I should in return send them a Blanket or a Kettle, and with it a very Sharp Message that though they had done well in sweeping the Road from Blood, yet that was but a small part of their Duty; they ought not to have suffer'd the Twightwys', after their Lie and Discovery of the Scalps, to have left them till they had given a full & true Account how they came by them, whose Scalps they were, and in what place and for what reason the Men were kill'd, and when they had been fully Satisfy'd of all these Particulars then it was their Duty to have given Information to the Government where the white people lived, that the Murderers might be complained against and punished by the Nation they belong'd to; And as the Shawonese had omitted to perform the part of Brethren, that I should reprove them for it, and charge them to make amends for their Neglect, by using all possible Expedition to come at the Knowledge of these things and to Aid their Brethren, the white People, in obtaining Justice."

The Minutes of the preceeding Council being read, Mr. Logan, in Pursuance of the Board's Direction yesterday, Reported on behalf of himself and the other Gentlemen, to whom it was recommended that they had conferr'd with Mr. Kinsey, and requested him to consult-

the other Members of the Assembly concerning the making a Present to the Indians; And that Mr. Kinsey having collected the Sentiments of several Members of the Assembly in Town whom he had conferr'd with on that Subject, found them generally of Opinion that a Present should at this Time be made, but that they had declined nominating any Sum; However, that Mr. Kinsey had given it as his own Opinion that the Governor & Council might go as far as three hundred Pounds.

And accordingly it is referr'd to Mr. Logan, Mr. Preston, and Mr. Laurence, to consider of and prepare a Proper List of the Goods whereof the present should be Composed to the Value of £300 as aforesaid, advising with the Interpreter as to the Quantity & Quality.

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At a Council held at the Proprietor's, 9th July, P. M.

PRESENT:

The Honble GEORGE THOMAS Esqr., Lieuten^{t} Governor.

James Logan, Robert Strettel, } Esqrs.
Samuel Preston, Abraham Taylor, }

The Chiefs of the Six Nations.
Sassonan & Delawares.
Nutimus & the ffork Indians.
Conrad Weiser, Interpreter.

The Governor spoke to the Chiefs of the six Nations as follows:

"Brethren:

"The last Time the Chiefs of the Six Nations were here they were inform'd that your Cousins, a Branch of the Delawares, gave this Province some disturbance about the Lands the Proprietor purchased from them, and for which their Ancestors had received a valuable Consideration above fifty Years ago, as appears by a Deed now lying on the Table. Some Time after this Conrad Weiser delivered to Your Brother, Thomas Penn, Your Letter, wherein You request of him & James Logan that they would not buy Land, &t. This has been shewn to them and Interpreted, notwithstanding which they have continued their former Disturbances, and have had the Insolence to write Letters to some of the Magistrates of this Government, wherein they have abused your good Brethren our worthy Proprietaries, and treated them with the utmost Rudeness & ill Manners. Being loth from our Regards to you to punish them as they deserve, I sent two Messengers to inform them that You were expected here, and I should be made acquainted with their Behaviour. As you on all Occasions apply to Us to remove all White people that are settled on Lands before they are purchased from You, and we do our Endeavours to turn such People Off, We now expect from You that you will cause these Indians to remove

from the Lands in the fforks of Delaware, and not give any further Disturbance to the Persons who are now in Possession.

"To enforce this we lay down a String of Wampum."

Then were read the several Conveyances, the Paragraph of the Letter wrote by the Chiefs of the Six Nations relating to the Delawares, The Letters of the ffork Indians to the Governor & Mr. Langhorne, and a Draught of the Land, and then deliver'd to Conrad Weiser, who was desired to Interpret them to the Chiefs, when they should take this Affair into their Consideration.

At a Council held July 10th.

PRESENT:

The Honbl GEORGE THOMAS, Esqr., Lieutenant Governor.

James Logan, Samuel Preston,
Clement Plumsted, Samuel Hasell,
Thomas Laurence, Robert Strettell,
Abram Taylor, } Esqrs.

The Governor laid before the Board an extract from the Treaty held here the 7th Instant with the Indians of the six Nations, so far as it related to the Inhabitants of Maryland, as also a Letter he had prepared for the Governor of Maryland upon that Subject, both of which being approved were Ordered to be transcribed fair, in Order to be dispatch'd to-Morrow Morning. The Letter is as follows:

"Philad^{a}, July 10th, 1742.

"Sir—

"The inclosed Extract of the Speech made by the Chiefs of the six Nations before a very Numerous Audience in this place, with my Answer to it, is of so great Importance to all his Majestie's Colonies, in this part of his Dominions, and to your Government in particular, that I have employ'd a special Messenger to deliver it you. I hope you will enable me to send them a satisfactory Answer. It would be impertinent in me to say more to one so well informed as you are of these Nations, and of their absolute authority over all the Indians bordering Upon Us, or of the advantages of Maintaining a Strict ffriendship with them at all Times, but more Especially at this Critical Juncture, I am Yours &$^{c.}$"

An account Exhibited by Conrad Weiser of his Expences upon the Indians and Indian affairs, from ffebruary last to July 1st, 1742, amounting to £36 18 3 was laid before the Board & Examined, and allowed to be a just and very moderate Account.

And the Board taking into Consideration the many Signal Services performed by the said Conrad Weiser to this Government, his Diligence & Labour in the Service thereof, and his Skill in the Indian

anguages and Methods of Business, are of the Opinion that the id Conrad should be allowed, as a Reward from the Province at is Time, the Sum of thirty Pounds at least, besides payment of s said Account.

At a Council held at the Great Meeting House, July 10th, P. M.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut. Governor.

ames Logan,	Samuel Preston,	Esqrs.
homas Laurence,	Samuel Hasell,	
bram Taylor,	Robert Strettell,	

Canassatego, Shick Calamy, } and other Indian Chiefs.

Conrad Weiser, Interpreter;

And a great Number of the Inhabitants of Philad[a]

The Governor Spoke to the Indians as follows:

Brethren—

"This Meeting will be short, it is in Order to make you a present om the Governor, the Council, the Assembly, and all our people. 'm. Penn was known to you to be a good & faithful friend to all e Indians. He made a League of ffriendship with You by which e became One People. That League has often since been renewed friendly Treaties, and as you have declared that the ffriendship ıll always last on your parts, So we would have you believe ıt it shall remain inviolable on Ours while Sun & Moon en- ues.

'I gave you some Expectation of a present, and we have it now dy to deliver to you. This present is made you by the Governor, ıncil, Assembly, & all our People, in Consideration of the great series and Distresses which you our good ffriends have lately ffered. This will be some relief to you for the present, and it's be hoped your own Industry will soon retrieve your Circum- nces.

'It has sometimes happen'd, and may happen again, that Idle l Untrue Stories are carried to you concerning Us, your Brethren, ; our desire is, and we Expect it from You, that you will give no dit to them, for we are and always will be your Steady and cere ffriends.

'It is a Custom when we renew our Treaties with our good ends the Indians, to clear the Road and make our ffire burn ght. We have done so upon this Occasion, and in token of our ecrity We deliver you as a present from the Governor, the Coun-

cil, the Assembly, and all the People of Pennsylv[a]. the following Goods, Viz[t]:

"600 Lead,	5[lb]. Vermilion,
"600 Powder,	25 Hatts,
"25 Strowdes, } Match Coats,	24 Guns,
"90 Duffell, }	10 Doz. Knives,
"30 Blanketts,	8 Doz. Gimblets,
"62 Yards of Half Thicks,	2 Doz. Tobacco Tongs,
"60 Ruffled Shirts,	25 P[rs]. of Shoes,
"1,000 Flints,	25 P[rs]. Stockings,
"50 Hoes,	25 P[rs]. of Buckles."
"50 Hatchets,	

Whereupon the Chiefs and all the Indians returned their Solemn Thanks, and Canassategoe said they had no more to say as to Publick Business at present, but they had somewhat under Deliberation, which when they had duly considered they would Communicate.

At a Council held at the Proprietors, July 12th.

PRESENT:

The Honble GEORGE THOMAS, Esq[r]. Lieutenant Governor.

James Logan, Clement Plumsted, } Esqrs.
Thomas Laurence, Abraham Taylor, }
Robert Strettel,

Mr. Richard Peters.

Canassatego, } and sundry Chiefs of the six Nations.
Skick Calamy, }

Sassonan and Delawares.

Nutimus and ffork Indians.

Pisquetoman, }
Cornelius Spring, } Interpreters to the ffork Indians.
Nicholas Scull, }

Canassatego said,

"Brethren, the Governor, and Council:

"The other Day you informed Us of the Misbehaviour of our Cousins the Delawares with respect to their continuing to Claim and refusing to remove from some Land on the River Delaware, notwithstanding their Ancestors had sold it by Deed under their Hands & Seals to the Proprietors for a valuable Consideration, upwards of fifty Years ago, and notwithstanding that they themelves had about —— Years ago, after a long and full Examination, ratified that Deed of their Ancestors, and given a fresh one under their Hands and Seals, and then you requested Us to remove them, ea-

forcing your Request with a String of Wampum. Afterwards you laid on the Table by Conrad Weiser our own Letters, some of our Cousins' Letters, and the several Writings to prove the Charge against our Cousins, with a Draught of the Land in Dispute. We now tell You we have Perused all these several Papers. We see with our own Eyes that they have been a very unruly People, and are altogether in the wrong in their Dealings with You. We have concluded to remove them, and Oblige them to go over the River Delaware, and to quit all Claim to any Lands on this side for the future, since they have received Pay for them and it is gone through their Guts long ago. To confirm to You that we will see your Request Executed, we lay down this String of Wampum in return for your's."

Then turning to the Delawares, holding a Belt of Wampum in his Hand, he spoke to them as followeth:

"Cousins:

"Let this Belt of Wampum serve to Chastize You; You ought to be taken by the Hair of the Head and shak'd severely till you recover your Senses and become Sober; you don't know what Ground you stand on, nor what you are doing. Our Brother Onas' Case is very just and plain, and his Intentions to preserve ffriendship; on the other Hand your Cause is bad, your Heart far from being upright, and you are maliciously bent to break the Chain of ffriendship with our Brother Onas. We have seen with our Eyes a Deed signed by nine of your Ancestors above fifty Years ago for this very Land, and a Release Sign'd not many Years since by some of your selves and Chiefs now living to the Number of 15 or Upwards. But how came you to take upon you to Sell Land at all? We conquer'd You, we made Women of you, you know you are Women, and can no more sell Land than Women. Nor is it fit you should have the Power of Selling Lands since you would abuse it. This Land that you Claim is gone through Your Guts. You have been furnished with Cloaths and Meat and Drink by the Goods paid you for it, and now You want it again like Children as you are. But what makes you sell Land in the Dark? Did you ever tell Us that you had sold this Land? did we ever receive any Part, even the Value of a Pipe Shank, from you for it? You have told Us a Blind story that you sent a Messenger to Us to inform Us of the Sale but he never came amongst Us, nor we never heard any thing about it. This is acting in the Dark, and very different from the Conduct our six Nations observe in their Sales of Land. On such Occasions they give Publick Notice and invite all the Indians of their united Nations, and give them a share of the Present they receive for their Lands. This is the behaviour of the wise United Nations, but we find you are none of our Blood. You Act a dishonest part not only in this but in other Matters. Your Ears are ever Open to slanderous Reports about our Brethren. You receive

them with as much greediness as Lewd Woman receive the Embraces of Bad Men. And for all these reasons we charge You to remove instantly. We don't give you the liberty to think about it. You are Women; take the Advice of a Wise Man and remove imediately. You may return to the other side of Delaware where you came from, but we don't know whether, Considering how you have demean'd your selves, you will be permitted to live there, or whether you have not swallowed that Land down your Throats as well as the Land on this side. We, therefore, Assign you two Places to go —either to Wyomin or Shamokin. You may go to either of these Places, and then we shall have you more under our Eye, and shall see how You behave. Don't deliberate, but remove away and take this Belt of Wampum."

This being interpreted by Conrad Weiser into English, and by Cornelius Spring into the Delaware language, Canassatego taking a String of Wampum added further:

"After our just reproof and absolute Order to depart from the Land, you are now to take Notice of what we have further to say to you. This String of Wampum serves to forbid You, Your Children and Grand Children, to the latest Posterity, for ever medling in Land Affairs, neither you nor any who shall descend from You, are ever hereafter to presume to sell any Land, for which Purpose you are to Preserve this string in Memory of what your Uncles have this Day given You in Charge. We have some other Business to transact with our Brethren, and therefore depart the Council and consider what has been said to you."

Canassatego then spoke to the Governor & Council:

"Brethren—

"We call'd at our old ffriend James Logan's in our Way to this City, and to our Grief we found him hid in the Bushes and retir'd, thro' Infirmities, from Publick Business. We press'd him to leave his Retirement, and prevailed with him to assist once More, on our Account, at your Councils. We hope, notwithstanding his Age and the Effects of a fit of Sickness which We understand has hurt his Constitution, that he may Yet continue a long Time to assist this Province with his Councils, And he is a wise Man & a fast ffriend to the Indians; And we desire when his Soul goes to God you may Choose in his Room just such another Person of the same Prudence and Ability in Counselling, and of the same tender Disposition and affection for the Indians. In Testimony of our Gratitude for all his services, and because he was so good as to leave his Country House and follow Us to Town, And be at the Trouble in his advanced Age to attend the Council, We present him with this Bundle of Skins.

"Brethren:

"It is always our Way at the Conclusion of a Treaty to desire

ou will Use your Endeavours with the Traders that they may sell heir Goods Cheaper and give Us a better price for our Deer Skins. Whenever any Particular sort of Indian Goods is scarce they constantly make Us pay the Dearer upon that Account. We must now Use the same Argument with them. Our Deer are kill'd in such Quantities, and our Hunting Countries grown less every Day by the Settlement of the white People, that Game is now difficult to find, and we must go a great Way in Quest of it; they therefore ought o give Us a better price for our Skins, And we desire you would peak to them to do so. We have been stinted in the Article of Rum in Town. We desire You will open the Rum Bottle and give t to Us in greater Abundance on the Road. To enforce our Request about the Indian Traders, we Present You with this Bundle f Skins.

"Brethren:

"When we first came to your Houses we found them clean and in Order, but we have staid so long as to Dirty them, which is to be mputed to our different Way of living from the White People, and herefore as we cannot but have been disagreeable to you on this ccount, We present You with some Skins to make your Houses lean, and put them into the same Condition they were in when we ame amongst You.

"Brethren:

"The Business the five Nations Transact with You is of great onsequence, and requires a Skillful and honest Person to go beween Us, one in whom both You and We can place a Confidence. Ve esteem our present Interpreter to be such a person, equally faithul in the Interpretation of what ever is said to him by either of Us, qually allied to both, He is of our Nation and a Member of our ouncil as well as of Yours. When we adopted him we divided him nto two equal Parts, one we kept for our selves and one we left for ou. He has had a great Deal of Trouble with Us, wore out his hoes in our Messages, and dirty'd his Clothes by being amongst s, so that he is as nasty as an Indian. In return for these services Ve recommend him to your Generosity, And on our own behalf we ive him five Skins to Buy him Cloath's and Shoes with.

"Brethren:

"We have still one More favour to ask. Our Treaty and all we ave to say about Publick Business is now Over, and to-Morrow e design to leave You. We hope, as you have given Us plenty of ood Provisions whilst in Town, that you will continue your goodess so far as to supply Us with a little more to serve Us on the oad, and likewise desire you will Provide Us with Waggons to arry our Goods to the Place where they are to be Conveyed by Vater."

To these several Points the Governor made the following Reply:

"Brethren of the six Nations—

"The Judgment you have just now pass'd on your Cousins the Delawares, confirms the high Opinion We have ever entertained of the Justice of the six Nations; this Part of your Character, for which you are deservedly fam'd, made us wave doing our selves Justice, in order to give you another Opportunity of Convincing the World of your inviolable Attachment to your Engagements. These unhappy People might have always liv'd easy, having never received the least Injury from Us; but we believe some of our own People were bad enough to impose on their Credulity, and engage them into these wrong Measures, which We wish for their Sakes they had avoided.

"We hoped from what we have constantly given in Charge to the Indian Traders, that they would have administred no just Cause of Complaint; if they do you wrong it is against our Inclinations, and Contrary to our Express Directions. As you have exhibited no particular Charge against them, We shall Use our best Endeavours to perswade them to give you as much for your Skins as they can possibly afford, And to take Care that their Goods which they give in Exchange for Skins be of the best sort; we will, likewise, Order you some Rum to serve you on your Journey, since you desire it.

"We wish there had been more Room and better Houses provided for your Entertainment, but not Expecting so many of you, we did the best we could. 'Tis true there are a great Many Houses in Town, but as the property of other people, who have their own ffamilies to take Care of, it is difficult to procure Lodgings for a large Number of people, especially if they come unexpectedly.

"We Entertain the same Sentiments of the Abilities and probity of the Interpreter as you have express'd; we were induced at first to make Use of him in this important Trust from his being known to be agreeable to You, and one who had liv'd amongst You for some Years in good Credit and Esteem with all your Nations, and have ever found him equally faithful to both. We are pleased with the Notice you have taken of him, and think he richly deserves it at your Hands. We shall not be wanting to make him a Suitable Gratification for the many good and faithful services he has done this Government.

"We have already given Orders for Waggons to Carry your Goods, and for a Supply of Provisions to serve you on the Road in your Return home, where we heartily Wish you may arrive in good Health."

After the Governor had concluded, Mr. Logan returned an Answer to that part of Canassatego's speech which related to him, and then Canassatego said he had forgot to mention that Shick Calamy

& Caxhayan had been employ'd on several Messages to this Government, & desired they might be consider'd on that account.

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At a Council held July 12th, P. M.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieutenant Governor.

James Logan, Samuel Preston, Clement Plumsted, Thomas Laurence, Samuel Hasell, Abraham Taylor, Robert Strettel. } Esqrs.

Mr. Peters.

The Board taking into Consideration the Regulation of the necessary Expenses of the Indians travelling down hither and returning, and upon an Estimate made by Conrade Weiser, amounting to about £100, it appearing that the said Sum of £100 will be necessary to be advanced to Conrad Weiser to defray those Expenses, Mr. Logan, on the Proprietrs behalf, Proposes to advance £40, and the Treasurer declaring he had no Public Money in his Hands, And that if he had he would not Advance Money without the Assembly's Order, It is recommended to Mr. Preston and Mr. Laurence to Confer with Mr. Kinsey, and know whether he, as Speaker of the Assembly, and Trustee of the Loan Office, will advance the other £60;

And the Indians having requested that they might have a small Quantity of Rum to be added to their Provisions, to Comfort them upon the Road;

The Board is of Opinion that there be added to the said Estimate ———— for 20 Gallons of Rum for the aforesaid Use. And in return for their present of Skins at requesting that the Indian Traders be enjoyned to sell their Goods Cheaper, the Board directs that two Strouds be presented, And that £5 be given to Caxhayan on the account of the Province for his Services, and to Shick Calamy the like Sum.

Names of the Indians present at the Treaty held at Philadelphia, July, 1742.

ONONTAGOS.

Canassatego, Chief & Speaker at the Treaty,
Sawegaty, Caxhayton, } Counsellors.
Saguyassatha,
Caiadoghrotia als. Canaghqunssy,
Rohier-Awaghton,
Tocanyhaa,

Diorughwaghthe,
Tokanonugo,
Arontyoony,
Johans-hawighton,
Tiogh-Watoony,
Onugh-rawhisy.

CAYONQUOS.

Sahughsoewa, } Chiefs.
To-hat-gath-us, }
Tokany-es-us,
Runho-hee-yoh,
Canadochary,
Zior-agh-quaty,
Saqu-ingh-watha als. Kakaradasey,
Sca-yenties,
Tats-hegh-teh,
Alligh-Waheis,
Dais-Quorioh,
Hogh-clegh-rontie,
Rot-tehu-Haghtyawkon, Capt.
Sawnlies-elohaa,
Sagughsa-eck,
Uwandawkeraah,
Horuhot,
Osogh-quaa,
Tuh-yan-noegon.

ANAYINTS.

Saristaquoh,
Ungquaterughiathe als. Shikelimo, } Chiefs.
Tohuwa-kerha,
Maragh-gverus,
Unugh-cally-clawy, a young Chief.
Onugh-naxqua, Chief.
Tawyia-kaarat,
Tokothu-umgoghtha,
Sugh-na-kaarat,
Tagh-negh-doerus,
Ta Canyadorogon,
Sago-gughiatha,
Rahehius,
To-kanusoegon.

SINIKERS, OR JENONTOWANOS.

Carugh-iagh-Ragh-quy, Capt.
Tahu-keentus,
Onoayack.

TUSCAROROS.

Sa-wantka,
Di-ier-oes,
Dogh-sy-towax,
} Chiefs.
Tokarry-Hogon, Capt.
Ogh-ioghse,
Di-Digh-weghson,
Tong-kot-ha,
Yorugh-iannsgo,
Ot-quehig,
Squagh-ky,
Saiadio,
Onughso-wughte,
Cherigh-wast-Ho,
Agh-simterees,
Dion-agh-Scoght-ha,
Saligh-wan-aghs,
Ohn-waaseh
Toha-weghton,
Tacarcher, died at Tulpehockin.
Tahanatakqua,
Canyhaag.

SHAWANOS.

Weh-Wehlaky, Chief.
Aset-theywa,
Asogh-qua,
Meya-minikisy,
Wawyia-Biseny.

CONESTOGO INDIANS.

(Those that Speak the Anayint Language).

Dior-haasery, Chief.
Thanigh-wageran,
Car-ha-Cawy-int,
Caien-quily-quoh.

CONESTOGO

Indians of the Nantikokes, by Us called the Cannoyios.

Des-Scheg,
Igh-qua-que-heck,
Quesamaag,
Ayiok-his.

DELAWARES, of Shamokin.

Ollumapies,
Linge-hanoa,
} Chiefs.
Kellymacquan,
Quittiequont,

Pisquitton,
Nena-Chyhunt.

DELAWARES, from the Forks.

Onutpe,
Lawye-quohwon Als. Nudimus,
To-wegh-kapy,
Cornelious Spring, & several Others.

The several Nations of Indians with whom the Six Nations are in Alliance according to the Information given in Open Counsel held at Tulpehockin on their Return from Philadelphia, Viz:

1st. A Nation of Indians living on the West side of the Lake Erie, & along the Straights to Huron's Lake, and along the South side of Huron Lake. They are called by the Six Nations Unigh-Kalliawkon; thirty towns; each about 200 fighting Men.

2d. The second Nation lives among the Unigh-Kallianokons; 4 Towns of their own People; supposed 400 in all, Called ———.

3d. The third Nation, called by the Iroquois Zisawgegh-roanu, live on the East side of the Huron's Lake; several of the Counsel have been there; they all agree that they have three Large Towns of 600, 800, & 1,000 Able Men.

4th. The fourth, called the Twightwis-roanu, 2 Towns, about 200 Able Men in all, live on the Head of Huakitty River, near the little Lakes.

5th. Oskiawkisas, living on a Branch of Ohio that Heads near the lake Erie, 4 large Towns, about 1,000 Warriors.

6th. Oyaghtawnigh-roanu, near black River, 4 Towns, about 1,000 Warriors.

7th. Keghdawkegh-roanu, upon the great River Missysippy above the Mouth of Ohio, their number Unknown.

8th. Karhawgugh-roanu, several Savage Nations of Indians, As their Name Signifies (the People of the Wilderness), live on the North side of Huron's Lake. They do not plant Corn or any thing else, but live altogether upon Flesh, fish, roots, & Herbs, an infinite Number of People, of late become Allies to the Six Nations.

At a Council held at Philada, July 19th, 1742.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieutenant Governor.

Clement Plumsted,	Thomas Laurence,	Esqrs.
Samuel Hasell,	Abraham Taylor,	
Robert Strettell,	Ralph Assheton.	

The Governor laid before the Board a Letter which he had re-

ceived from the Governor of Maryland, dated the 13th Instant, in Answer to his of the 10th, sent Express from hence together with Copies of the Examinations of sundry Maryland Indians, taken before the Magistrates of that Province, all concurring in setting forth a Design or Conspiracy formed between Shawanese, Senecca, & Maryland Indians, in Conjunction with the ffrench, to Cut off and Destroy all the English Inhabitants of Maryland & Pensilvania, which being read, the Governor likewise read a letter he had just then received from Mr. Logan, who had had the perusal of Governor Ogle's Letter and the foresaid Examinations, Offering his Sentiments thereupon, and proposing to send a Messenger to Conrad Weiser, to desire him to Acquaint Canassatego and the other Chiefs of the Disturbances created in Maryland, by the coming down of the 23 Shawanese with their War Captain to the Nantikokes, in May last, as set forth in the foresaid Examinations, and that he would request the said Chiefs to enquire into the true Cause of the said Shawanese coming down and inform the Governor of it, that he might Communicate the same to Governor Ogle, together with such further Intelligence as he should be able to get concerning these Matters; Which being approv'd of, the Governor immediately Signified the same by a letter to Mr. Logan.

Doctor Bond having certified that he had this Morning carefully examined the State of Health of the Mariners on Board the Constantine, and found them well, And that the Vessel had been cleansed & Aired in the likeliest Manner, to free her from the Danger of spreading the infectious Disease wherewith she arrived, and giving it as his Opinion that there is now as little Danger of infection from her as there will be after any time she can be expected to lie Quarantine.

The Board is of Opinion that the said Ship may be allowed to come up Opposite to the Town and unload with Boats, but that she be not as yet permitted to come to a Wharff.

At a Council held at Philada., July 22d, 1742.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut^{t} Governor.

James Logan, Samuel Preston, } Esqrs.
Clement Plumsted, }

Mr. Peters.

The Governor having received an Answer from Conrad Weiser to the Message sent him the 19th Inst^{t}. laid the same before the Board, which being read, the Board is of Opinion that the Governor write to Governor Ogle upon the Subject of the Answer of the six Nations, inclosing a Copy of Conrad Weiser's Letter, and that the same be dispatched Express at the Publick Expence.

At a Council held at Philada., Aug· 16th, 1742.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut^{t} Governor.

James Logan,	Samuel Preston,	Esqrs.
Clement Plumsted,	Samuel Hasell,	
Ralph Assheton,	Wm. Till,	
Abraham Taylor,	Robt. Strettell,	

The Governor laid before the Board certain Minutes or Notes of a Conference between Mr. Edwards and other Justices in Lancaster and Mothowana and five other Shawanese Indians sent by their Chiefs to make enquiry concerning the late Imprisonment of the Nantikoke Indians in Maryland.

The Board taking this Message into Consideration, disapprove of the Conduct of Mr. Edwards and the other Magistrates in receiving any Application of this Nature from the Indians, whose Publick Messages ought all to be delivered to the Governor; Nevertheless, at this Time it is the Opinion of the Board that the Indians should receive an Answer, And the following Answer being prepared and approved of, was ordered to be transcribed and sent accordingly, to wit:

"George Thomas, Esqr., Governor of the Province of Pennsylvania, &t.,

"To his ffriends and Brethren, Cacowatchico & Nuchicaw.

"ffriends & Brethren:

"I could not but be surprized at receiving last Week by the Hands of a Gentleman or two who chanced to be at Lancaster Court, a Belt with two Strings of Wampum that were delivered them they said by Methawana, accompanied with five others of your Nation, with a Message that undoubtedly you conceived to be of Importance by the Belt you sent with them, but whatever it was you cannot but be sensible it was incumbent on your Messengers, instead of Stopping short at Lancaster, to have proceeded on their way directly to Philadelphia, and here delivered their Message to me, as you well know has been the Practice ever since the first of your people came into the Government of your ffather & very good ffriend William Penn, who was also the ffather & founder of this Colony.

"This Message that you intended should be delivered to me as I understand it, was to inquire about some Nantikoke Indians who were lately imprisoned in Maryland on some informations that were given first to the Magistrates and then to the Governor & Council of some Evil Designs occasion'd by a Visit made to those Indians between three & four Months since by some of your Nation, Which being a Transaction within another of his Majestie's Governments and therefore not under my Cognizance, would more properly have

been inquired of there. However, I take it kindly, and as an Instance of your Regard to the Chain of ffriendship and Brotherhood subsisting between You & Us, and which has by so very many repeated Treaties been strengthen'd & brighten'd, One Article of which I am very sensible is, That the Christians or Subjects of our Great King and the Shawanese shall duly inform each other of whatever either side hears or knows that may affect the other. But that any of your People should Act so very inconsistently with all your solemn Engagement, appears to me unaccountable. I well remember I held a Treaty with you here at Philad^{a} about this Time was three Years, in behalf of your selves and your whole Nation, And upon this last occasion I have been enquiring what Old Treaties have been enter'd into between Us and your Nation, for you are sensible we have Records in writing by which the Memory of past Transactions are preserved for all Ages to come, And amongst these I observe one Treaty held above 40 Years since by your said ffather William Penn, for himself and all the King of England's subjects, with Conoodachto and other Chiefs of the Sasquehannah, together with 3 of your Chiefs, viz^{t}: Wopaththa, Lemoytaugh, & Pemayojooagh, in behalf of their whole Nation, not long after their first Arrival at the River Sasquehannah, by which Treaty it was mutually agreed and firmly Covenanted by & between the Christians and all the said Indians, that they should for ever thereafter be as one Head & one Heart, and live in true ffriendship and Amity as one People, And the same has been Confirmed by the Chiefs of your Nation in behalf of all their People from Time to Time, as often as this Government hath held Treaties with any Indians in your Neighbourhood, and particularly, as I have already mentioned, by your selves this Time was three Years, and therefore repeat it again. Now that any of your People should have taken it into their Heads to Act so inconsistently as to plot Mischief against any of our King's Subjects, as they are charged by the Nantikokes to have done, appears to me, as I have said, unaccountable. But upon what has happened I advise you, as your true ffriend, without Delay to send a proper Message to the Governor of Maryland to clear (if you can) those People's Innocence, Or if Guilty let the Action be condemned in them. That Gentl. used their imprisoned Indians with Great tenderness, Dismissing them on their Engagements to behave well for the future, and sending them home to their former Habitations. I must further take Notice that I received this past Summer from You a Small Bundle of Skins on Acco^{t} of some Scalps discovered in the Bundles of the Twechtway Indians, that you had reason to believe were not the Scalps of Indians, as those who had them pretended, but of white people, And therefore to prevent all suspicion that any of your Nation were concerned in the Murther, you sent me the aforesaid Message, your Care in which was not only Commendable in that particular, but I hope it will be the same in every respect for the future; And I desire you will make further

enquiry into that Matter and send me a more certain Account if you can, not only who committed the Murther but to what Place or River the People Murder'd did belong. I shall Expect to see you here next Spring, according to your Promise, where you shall be Kindly received by your very good ffriend and Brother.

"Philada., August 16th, 1742."

"P. S. I send you this not only under the Seal of our Government, but for a further Confirmation have added four Strings of Wampum."

The Several Bills of Expences on Account of the Indians were laid before the Board and committed to the inspection and Examination of Mr. Hasell, Mr. Assheton, Mr. Till, and Mr. Strettell, or any three of them, who are to report their Opinions thereon, and form one General Account thereof.

A Message from the Governor to the Assembly.

"Gentlemen:

"It is not from an expectation of convincing your Understandings, or of reforming Your Conduct, that I take the Trouble of answering your Messages. The Interests of your Leaders I know depend upon keeping alive a Spirit of Faction, for a Return of that Harmony which subsisted before they embroiled the Publick Affairs would render them as inconsiderate as they formerly were, and as all True Lovers of the Peace and Prosperity of the Province wish to see them again. I know, too, that I am to expect nothing from these Men but Misrepresentations and Revilings. But it is not for them that I write; it is to prevent the Honest and well meaning from being deceived and misled. As to myself, I cannot have the least Reason to be concerned about your Sentiments of me; since his Majesty has been graciously pleased, after a Transcript of your proceedings had been laid before him, to signify his Approbation of my Conduct; since the Honourable Proprietaries, to whom you have appealed, have likewise done me that Justice which I had reason to expect from their Candour and good Sense, and since, if they are to be credited, my Conduct has appeared in a very agreeable Light to Persons less concerned in the Province than either They or You, and therefore more indifferent Judges. These things considered, I have nothing to wish for respecting my Administration, but that the Eyes of such as have been infected by your Passions and Prejudices may be opened, that they may lay the true Interests of their Country to Heart, and that they may do their Parts towards preparing and applying proper Relief, as well to the impending as to the present Necessitys of the Publick.

"It will ill become me to descend so low as to take Notice of every part of your last Messages, wherefore I shall principally confine myself to such of them as seem particularly calculated to injure me, and to preserve yourselves in Power.

"In answer to all that relates to the Inlisting Servants for the te Expedition, I might refer You to my former Messages on that ubject; but since you think you gain great Advantages in keeping p a Discontent in the Minds of the People by a Repetition of your harge against me, and an obstinate avowal of your own unaccount-ble Conduct upon that Occasion, I shall not decline the Contro-ersy, but briefly as I can State some few of the material Facts, and ake a few Observations upon them.

"A Proclamation was made by me, inviting all such as were illing to inlist in the King's Service to enter their Names with ersons appointed to Receive them, that I might be enabled to make Judgment of the number of Men likely to be raised here, and to ive Coll^o. Spotswood an Account of it. Numbers enter'd their ames accordingly—Freemen and Servants. From hence you insist at Servants were inlisted before a Bounty was proposed by me to e Assembly; for what is an Inlistment, said the Assembly, but ntering a name on a List?

"This is, I confess, a very ingenious Definition of Inlisting; and i it is to be found in every Dictionary, the Assembly laid their hief Stress upon it. But, with your leave, an Inlistment must be tended with other Circumstances besides that of entering a Name a List. To make a Legal Inlistment the Person must have re-ived inlisting Money, must be carried before a Magistrate, the venth & tenth Articles of War read to him, and the Oath men-on'd in those Articles taken by him; which, however, he may efuse to take if he makes the satisfaction required by Act of Par-ament in four days after receiving the inlisting Money. As these ssentials to an Inlistment were wanting, and there was in Truth o Person authorized to make a legal Inlistment before the Arrival f Col^o. Blakeney, no one was so weak as to think of holding any by their having barely enter'd their Names on a List; and, there-fore, their appearance was so far from being insisted upon that not one of them was ever called for. As this is truly the Case, there is not the least Ground for your Assertion that Servants were In-listed before a Bounty was mentioned, nor was one Man Inlisted, ither Freeman or Servant, until several Days after my Speech to he Assembly recommending a Bounty.

"You are pleased to say now, that the Assembly did declare they ould not appropriate any Money to the uses required, yet they ad determined to give £4,000 to the King's Use, and prepared a ill for that purpose, which might have passed had not the Inlist-g so many Servants prevented it. This may pass well enough ith such as are disposed to swallow any thing, but to me it dis-vers such a double-dealing as is not much for the Assembly's redit. To declare their Consciences could not allow them to raise r apply Money for Victualling and Transporting Soldiers, and yet determine to give £4,000 to the King's Use, that is, for victual-

ling and transporting Soldiers, can, in my opinion, no otherways be accounted for, consistent with a good Conscience, than upon a supposition of a new Revelation intervening between the positive Refusal and the Determination to give.

"But suppose, for Argument sake, I should allow that the Assembly were really determined to give £4,000 for the King's Use; as £2,000 was to pay the Masters of such Servants as should enlist, and the other £2,000 was for victualling and transporting both Freemen and Servants, I am at a loss to account how the Inlisting Servants should be a reason for laying aside the Bill. On the contrary, as the voting £2,000 to pay the Masters was an Encouragement given by the Assembly to the Inlisting of Servants, it ought to have been a Reason for passing the Bill. But the Truth of the matter is, after the Assembly saw that Servants were inlisted, tho' Contrary to my express direction when I went down to Newcastle, they thought they had a good handle for a Complaint against me, and a good pretence at the same time for saving their money, and so adjourn'd without expressing the least dislike to the Inlistment of Servants at that time, and left the King's Business and me to struggle thro' the Difficulties they had thrown in my way as well as I could. The Voting £3,000 afterwards, upon such Conditions as were an Affront to His Majesty, and altogether impracticable without breaking all the Companies, was a piece with the rest of their Proceedings.

"Upon the same supposition that you were in Earnest in the Bill for giving £4,000, I have been so far from adding to the Publick Expence, as you charge me, by the Encouraging the Inlistment of Servants (had I really done so), that the Publick had been a saver by it; For as £4,000 was intended to be granted, and but £2,600 has been paid for Servants, there is evidently a saving of £1,400 to the Publick. The £3,000 lately given has no relation to that Matter; For that was given unask'd, and under the pretence of commiserating the Burthen and heavy Taxes your Fellow-Subjects labour under in England: And as it is said to be illegal, and the true Reasons for giving it are as well understood as here, it is probable that will remain in your Agent's Hands as a Fund for solliciting future Petitions and Representations, and for his own and the Agent Assistant's unknown Services to the Province. I cannot suppose that your Agent is quite so ignorant or remiss as not to have known and informed you that the Legality of the Grant of £3,000 has made a Question of by much greater Men than any of us; nor is it difficult to conceive that the refusing to give at one time and the giving at another may be equally blameworthy. A Grant may be legal and may be an Instance of Loyalty to the King and of Regard to our Mother Country, when it is asked, when the Exigency of the Publick Affairs require it, and it is made in a proper manner, and at another time may be illegal and wanton, or ill-judged Dissipation of the Publick Treasure.

"When a Controversy is not like to be ended by the Parties emselves, it has been usual to appeal to the Judgment of others. ou have made your Appeal to the Honourable the Proprietors, hich I conclude you would not have done had you not at that time tertained a just opinion of their impartiality. Altho' their An-er is Publick, I shall here insert what relates to the Dispute tween us, as the best way of putting an End to it, or at least of tisfying such as may not have seen that Answer. It is in the fol-wing words: 'By the Minutes of that Year we find the Governor as so far from desiring the Inlistment of Servants, that he very rly took Measures to prevent; and in his Speech to the Assembly, herein he communicates to the House His Majesty's Instructions r the raising and transporting Men to the West Indies, proposed Bounty for the Encouragement of Freemen to inlist, in order to event the Accepting of Servants, which we are very sensible must ave been a great hardship on particular Persons, and heartily wish ad been prevented; but the House, instead of entering into the onsideration of a matter which You now conceive of so great Im-rtance, preferr'd then the Care of their private Concerns, and by at means became the occasion of this Grievance, tho' the Gover-or has been charged with all the Inconveniences that have at-nded it.'

"I proceed now to your Charge of attempting to deprive you of our Privileges, by my Letter to the Lords Commissioners for Trade and Plantations, contrary to the Solemn Engagements you say I am under to support You in them. And in this Charge you particularize the Assembly's Rights to sit on their own adjourn-ments and to dispose of the Publick Money, and the Rights of the People call'd Quakers, when duly Elected, to sit in the Assembly.

"That this matter may be well understood, I must first premise that my Duty to the King is prior and paramount to any Obliga-tions I am or can be laid under to any Persons whatsoever; and where an inferior Duty interferes with a superior, the superior is to e preferr'd. This being granted (for it cannot be denied), where the breach of my Engagement in representing to His Majesty or is Ministers, that the Assembly have a Right to sit on their own djournments, but that they made a very ill Use of that Privilege, en a Matter immediately recommended by His Majesty was laid ore them? And that they might bring great Prejudice to His jesty's Service by such a Practice, without a positive Refusal to pply with his just expectations. As it is a Fact that the Assem-did so adjourn, and that Adjournments in the like Cases may ve hurtful to the King's Service and the Interests of our Mother ntry, it was my Duty to represent it; and further, as I was un-r His Majesty's express Command to lay His Instructions before e Assembly, it was my Duty to give a particular Account of their hole Proceedings upon those Instructions. But had His Majes-

ty's Commands been out of the Question, could it be expected that I should be so regardless of my own safety as not to make use of all the Advantages the Assembly's rash Conduct had given me, to defend myself against a Petition they have threatned me with? The Contents of that Petition being kept Secret (for it was never Printed in the Assembly's Votes, nor a Copy of it deliver'd to me), made it still the more necessary for me to Arm myself at all Points against the dark Malice of my Adversaries. If you would preserve this Privilege use it with Discretion, especially in Instances where the King's immediate Service is concerned. It has been strained in that and other Instances of late, contrary to the Intention of the first Granter, which is plain for comparing your Practice with the Paragraph of his Letter lately sent to You by the Present Honourable Proprietors, his Sons, in the following words: 'I designed the People should be secured of an annual fixed Election and Assembly, and that they should have the same Privileges in it that any other Assembly has in the Queen's Dominions, among all which this is one constant Rule, as in the Parliament here, that they should sit on their Adjournments; but to strain this expression to meet at all times during the Year, without the Governor's Concurrence, would be to distort Government, to break the due proportion of the parts of it, to establish Confusion in the Place of necessary Orders, and to make the legislative the executive part of the Government.'

"As to the Disposition of the Publick Money, I deny that it is a Privilege of the Assembly. It is true you have a Temporary Right to dispose of it by virtue of two Acts of Assembly, one of which will expire y^e^ next Year. But from the observations I have made, this is so far from having been of late an Advantage to the Province, that I am convinced some Thousands of Pounds would have been saved in the two last Years had the Money been appropriated by those Acts, or the People's Representatives been under some Check. That the Proprietors entertain the same Opinion of this Power, appears from what follows out of their Answer to your late Address. 'The Money belongs to the People, and the more difficult it is to appropriate any of it, the less probability there is of having it unnecessarily expended.'

"After the Account given by me to the Lords of Trade of the defenceless Condition of the Province, it was added, that so long as the House of Assembly shall be composed of 'a sett of People who oppose all preparation for Defence, the Province will remain exposed to any Enemy that shall think fit to invade it.' This you call, likewise, a Breach of my Solemn Engagements. How comes it to be more so now than it was two Years ago? for I said this in substance to You then in several of my Messages, and You, in effect, acknowledged it by insisting that it was against your Consciences to make any Provision for the Defence of the Province. I am answerable for the safety of the People committed to my Care, and if no

Provision has been, or is like to be made for their Defence, is it my Duty to inform His Majesty of it, or to conceal it from him? the latter, I know, would have been more agreeable to You, but in that case I should have deserved something worse than the effects of your Resentment can ever prove to me.

"In the next Paragraph you ask me whether his Majesty's Commands required that the People of this Province should be charged with carrying on Manufactures at very cheap Rates, directly interfering with the Trade of their Mother Country? I answer, Yes; for as His Majesty commanded that I should give His Ministers a particular Account of my Transactions relating to the Expedition, and the Assembly insisted, as an Argument against the Legalty of Inlisting Servants, that the Trade of Servants was advantageous to Britain, they made it a Part of those Transactions, and put me a Necessity of proving it was not so, as it enabled the Inhabitants here to carry on Manufactures directly interfering with those of Britain. The Assembly's Threats upon the Point of Inlisting Servants, likewise rendered this Proof necessary for my own safety, for as this Argument was calculated to Engage the Trading part of the Nation against me, it behoved me to shew how the Trade of Servants was injurious to our Mother Country. But whether it was or was not my Duty, it will not be thought an Instance of Prudence in You by those that have any share of it themselves, to bring this matter again under the Publick Notice. Your view, it is plain, is to prejudice the People against me, in order to preserve Yourselves in Power. But will any prudent or honest Man put such advantages to a Risque (if any can be advantageous to this Province that is prejudicial to its Mother Country) to serve such Ends?

"Besides what I have already said, the standing Orders from the Lords of Trade, in obedience to His Magestie's Commands, are a full Justification of my Letter. For it is their Lordship's Express Direction 'that I send particular Accounts of Laws made, Manufactures set up, or Trade carried on in the Province of Pennylsvania, which may in any way affect the Trade, Navigation, and Manufactures of this Kingdom, & to take it for a constant Rule to send them annual Returns to the enclosed Queries.' A Copy of these Queries I have ordered my Secretary to deliver to You, and you will oblige me if you speak out and tell me plainly whether I am to obey his Majesty or am to obey you, that I may signify to His Majesty what your pleasure is; or if you do not care to do this, favour me with such an Answer to these Queries as it is your will I should give, that I may make such an Annual Return as may not incur your Displeasure.

"What next occurs to me that has a relation to the Expedition, is the advance of Money made for carrying on our Part of it, after the Assembly had adjourned upon the Rumour of a probability of a Peace. To this you say, if the Merit consisted in Purchasing

the King's Bills at an easy Exchange, once Publishing it to the world might have been sufficient. I do not wonder at you being displeased at the Publication of it, since the Gentlemen's Zeal who advanced Money was so much commended in England, and was so opposite to the Scheme the Assembly had formed to prevent my sending any Assistance at all: And as what relates to the King's Bills is as well levll'd at my Integrity as to detract from these Gentlemen's Merit, you must excuse me if I tell you plainly that it is an Insinuation of the worst sort, tho' no other than is very common with You. The King's Bills for subsisting the Troops here, and for victualling the Transports, were sold and paid away at the highest exchange that was given to Merchants of the best Credit in the Town for Bills of their own Draught; and I put you to a publick Defiance to prove in any one Instance where the King's Bills were not sold at the full Exchange, and the Money was not as frugally managed, as if it had been my own Property, or the Property of any Merchant in the Town. If you yourselves had set any value upon a Character, you would have scorned such Insinuations to the prejudice of other People's.

"You have been pleased to call upon me to shew one Instance of the Assembly's laying aside Truth and Publickly defaming me.

"Numerous Instances of this sort are to be found in the Messages of that time as well as since; but as they would not have the force of Conviction with you if I were to Cite them, I rather chuse to refer you to some part of the Proprietor's Answer before quoted. 'We find the Governor was so far from desiring the Inlistment of Servants that he very early took measures to prevent it;' And a little further, 'the Assembly became the occasion of this Grievance, tho' the Governor has been charged with all the Inconveniences that have attended it.'

"The Men without shame or common honesty are known to every fair Trader in Town that has read the List of those that were employed to collect and prepare Evidence to support the Charge against me; wherefore it is quite unnecessary to distinguish them by their names, or to spend time upon the difference between Depositions or Examinations transmitted against me.

"Much is said in support of your Right of Petitioning, which as no one has denied is like buffetting the wind; But when a Petition contains matter of complaint against any particular Person, that Person has a Right to a Copy of it, and the Transmitting it without doing him that Piece of common Justice may be justly compared to an intention To stab in the Dark, for it does not appear probable to me that the Assembly would have favour'd me with a Copy of it if I had desir'd it; That they promised themselves (however mistakenly) some advantages from secreting the particulars of it is plain, from their not publishing it in their Votes, which used to be the Practice in regard to all Public Transactions (and

which the Public, as well as myself, have a Right to see), before they thought the Secresy of a Romish Conclave more worthy of their Imitation than the Practice of a British House of Commons and of former Assemblies here. It is near two Years since the Petition was transmitted to London, and was not presented when the last Ships came from thence, tho' my Friends had very much desired it, and had often sollicited your worthy Agent to present it; yet I am now told it is too early to judge whether it has failed or not. I can scarce perswade myself that you are serious in what you say, except it be with a Design to amuse such as you had taught to expect mighty matters from it; However, for Curiosity's sake, I shall even now be glad to see a Copy of that Petition, and of the Examinations or Depositions, which soever you please to call them, that were taken & sent to support it; and if you oblige me so far, I promise you that I will make no advantages of them, by a further preparation for my Defence, until I receive his Majestie's Commands so to do. Perhaps you will wittily ask me again, How could the Petition amuse those that never saw it? But however impenetrable you affect to be with Regard to me, your Emissaries are well Instructed by You, for tho' your Address to the Prop^{r} was called in your Votes, under the disguised Title of a Representation of the state of the Province, and the Matter of it was secreted from me, the People of the Country were made to believe that you had done my Business by it, and that a new Governor was most certainly to come over soon.

"As your Starts from one Point to another are very sudden, and you leave or return to them as you please, I may reasonably expect to be indulged in being a little immethodical too in my Reply; therefore I shall now go back to what relates to the Council's observations on the Report of a Committee of Your House, the substance of which is, that you are under no obligations to pay any Regard to them, since the Council is no part of the Legislature. This might have been proper enough had the Council thereby assumed any part of the Legi-lative Power; but in the case before us it is, in my opinion, no more to the purpose than if you had told them they were no Part of the Colledge of Physicians, for as they are by Law intrusted with the care of Sickly Vessels coming to this Port, they certainly have a Right, tho' no part of the Legislative Body, to justify their Conduct against the Aspersions thrown on it by a Committee of Assembly, or by any other Persons whatsoever. To your own Resolves you are at the same time pleased to pay greater Honour than will be paid to them by any other part of Mankind, for they are so far from carrying any Authority out of your own House, that your Fellow Subjects are not so much as obliged to know them, nor would a Judge, who knows any thing of his Duty, even suffer them to be mention'd in a Court of Judicature. The Law is the Rule of every Man's Actions, and as the Resolves of an Assembly can by no means come properly before a

Court, for this & many other Reasons they can neither aggravate an Offence against a Law, nor have any thing to do in proportioning the Punishment. Any Doctrine contrary to this is the highest Invasion of the Liberties of a British Subject.

"Enough has been said of your Apprehensions from the great and frequent Importation of Foreigners; and when you produce an Interlineation under the late Speaker's Hand, and the Circumstance of another Gentleman's being one of those that carried up the Address (who as Members are obliged to obey the Orders of the House), as proofs of their concurring in your apprehensions, it is a sign that you are either hard put to it, or have a very mean Opinion of the Understandings of the People.

"The Sense which the Assembly of the Lower Counties have entertained of my Administration (tho' much pains has been taken to carry the War down into that Government against me) is too publickly known to stand in need of your Testimony concerning it; nor will it be easy for you to persuade the World that the same Men acts upon good & bad principles at the same time. You endeavour to account for the Difference by saying that Servants were ordered to be discharged by me there, when it was denied that I had a Power to do it here. This is so far true that as the Officer there had 15 or 16 Supernumeraries, I prevailed upon him to return the Servants to their Masters, & to retain all the Freemen. But had this Circumstance not been in the Case, it would have shewn that the Complying or not Complying with His Majesty's just Expectations was the rule of my Conduct, and not any Interest or Passions of my own. To make an End of the Subject of Inlisting, I am so well satisfyed with the Approbation His Majesty has been pleased to give of my Conduct on that Occasion, and with the Opinions I have had from England of the Legality of the Officers Proceedings (tho' I took the most timely measures to prevent what I thought would be a very great Hardship upon the People), that I cannot entertain the least Opinion of the Credit of that Person who you say has given you a contrary Information. But let me detain you one Moment longer to receive my thanks for the single acknowledgment you have of a long time been pleased to make in my Favour, that there is no reason to question but that some part of my Conduct may have received His Majesty's Approbation. I would by no means be though ungrateful, nor would I willingly be behind hand with you in Acts of Civility, wherefore I heartily wish I could with equal Truth say that any part of the Assembly's Conduct had deserved the like. I will hope, however, that in some future time it may.

"If any Fines, Part of the Ten Pounds a Year, have been received by me which ought as You say to have been paid to the Provincial Treasurer, descend to particulars, name the Sums, and by whom paid, & if it appears to me or to any impartial Person that I had not a right to receive them, I will repay them into his Hands,

for I am under no Temptation, either from want of Oeconomy or otherways, to despoil the Publick or any private Persons of their Property. But by the way, it is not every Man that is qualified to judge what is or is not Oeconomy in the Expences of a Governor, and the Man should be a Gentleman who takes upon him to judge of the Oeconomy of a Gentleman. I make no doubt but some wonder how a Governor can spend even £100 a Year, and both think themselves qualified and would be willing to undertake the Charge for that or a less Sum. But whilst you are attacking my Rights, your Right to the manner of Paying yourselves your Wages is not very clear, For if you may pay yourselves out of the Interest Money because you may apply it to what uses you shall think fit, you have a Right, if you think fit, to divide the whole Sum amongst yourselves.

"If you have read much of Parliamentary proceedings, you could not but have known that it is far from being unparliamentary to mention what are the Sentiments of the People upon an Assembly's past Transactions, And as I agree with them that there is good reason to believe there has been a partial Distribution of the Publick Money in paying for Servants, I take you at your word as to the Publication of a List specifying the Servants Names, in what Company they were Inlisted, the Names of their Masters, their Trades, the Dates of their Indentures, the time each Man had to serve, and the particular Sums paid to each Master for them.

"By the fine Things said in your Message of the Persons removed by me from Offices, which no one ever heard of before, one would be tempted to suspect, as some of them are Members of your House, that they were the Penmen of their own Praises. I profess myself an utter stranger to any Attempts made to influence them; tho' could I have descended to the mean Arts of Flattery and Dissimulation, and had I wanted a Tool to get Money for me out of the People, I might perhaps have succeeded as well as a more worthy Governor or another Province did a few Years ago. But despising such Arts, I left them to themselves, & as their Behaviour render'd them unworthy of the Trust committed to them, I removed them from their places, which as they held during Pleasure, I had a Right to do without being accountable to them or to you, or without incurring from our Superiors your mild Censure of having acted more arbitrarily than the most arbitrary Princes.

"I am persuaded you do not expect a serious Answer to your Charge of a manifest Design against the Liberties of the People. This, however, is the Engine you have work'd with to deceive the People, and you know the advantages of it too well to part with it now. If there were such a Design, it is strange it should be manifest to none but to you and your Partizans; neither the Proprietors nor any others have been so lucky as to find it out. I confess my Design to promote the King's Service and your own safety

has been manifest enough; And if any Attempts have been made or shall be made against these, I will most readily join with you to defeat them; Tho' I think it is an unbecoming Distrust of His Majesty's Royal Virtues to suppose it possible for him to give the least Countenance to Enterprizes destructive of your Liberties, whether you or I exert our Power in the Case or not.

"To conclude: I have had the Bills you laid before me at your last Meeting under Consideration; but the stopping my support for endeavouring to inforce the King's and the Proprietor's Instructions, is so flagrant an Instance of your contempt of them, and so manifest an Invasion of my Right of exercising my judgment in conducting the Publick Affairs, that it will not be to any purpose for me to give my Sentiments on those Bills until you have restored me to that Liberty which, as one part of the Legislative Body, I am entitled to, by making me the usual Allowance for my Trouble & Expence in the Administration of the Government for more than two Years past. When this is done I shall be free, as well to offer my Opinion in general of them, as to propose such particular Amendments as seem to me necessary for promoting the Ease and Happiness of his Majestie's Subjects in this Province; which no man more sincerely wishes than I do, or would take more Pains to accomplish, tho' I shall always be careful to support the Honour of the Station it has fallen to my Lot to be placed in."

"GEO. THOMAS.

"August 17th, 1742."

At a Council held at Philada., Aug^{t} 20th, 1742.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieu^{t} Governor.

Samuel Hasell, Abraham Taylor, } Esqrs.
William Till, Robert Strettell, }

The Gentl. to whom were referred the several Accounts of Expences on the Indians at the late Treaty, Reported that they had Examined the said Accounts and formed one general Account of them, amounting to ——; whereof —— is as a present, and —— Expences.

The Governor then laid before the Board a Message he had prepared to the Assembly in these words:

"The Governor in Council to the Assembly.

"Gentl.:

"The several Accounts for the Entertainment of the Indians lately here having been committed to the Examination of some of

the Members of the Council, I have now order'd them to be laid before you.

"Some of the Chiefs & others of the Six Nations, not to exceed fifty in the whole, now invited down by the Proprietor to receive a considerable Quantity of Goods from him in payment for Lands purchased of them, but the Wants of these people were so pressing that they very much exceeded that Number, in Hopes of obtaining Relief from Us, their ffriends and allies; And as they are of great authority, & are held in great Esteem amongst all our neighbouring Indians, they were joined by some of the Shawanese, Delawares, Conestogoes or Conoys, to the number of about two hundred & thirty in all.

"Under this unexpected Circumstance I directed that as many Members of your House as could be met with should be consulted as well concerning their Entertainment as the making them a present on behalf of the Province at their Departure, which as they readily agreed to, I suppose it will appear to the whole House likewise to have been for the reputation & Interest of the public, and more especially when it shall be observed from the Treaty held with them that the Proprietor's Business was but a very small part of what was transacted, & that their coming down was not only necessary for the present peace of the Province, in Regard to some Indians who had threatned to maintain by fforce their possession of Lands which had been long ago purchased of them, & since conveyed by the Proprietors to some of our own Inhabitants, but for its future security likewise in Case of a Rupture with the ffrench, who will leave no methods unessay'd to corrupt their ffidelity and to perswade them to turn their arms against Us."

Which being approved, is ordered to be sent along with the accounts.

The Governor then laid before the Board a Letter he had just received from the Governor of Maryland by a Gentleman sent on a Message to the Six Nations of Indians, requesting the Governor's Advice & Assistance therein. And the Governor inform'd the Board that he had in Compliance with the said Request engaged Conrad Weiser to Conduct the said Messenger to the Six Nations, And to serve him as Interpreter on this Occasion.

Philada., Oct^r. 4, 1742.

MEMORANDUM.

Returns of the Election of Officers for the Year ensuing, being made to his Honour the Governor, He was this Day pleased to order Commissions to be made out agreeable to the said Returns, as follows, Viz.: To John Hyat, Esqr., as Sheriff, & Henry Pratt, Gent., as Coroner of the City & County of Philadelphia, Joseph Jackson, Esqr., as Sheriff, & John Hart, Gent., as Coroner of Bucks, Benjamin Davis, Esqr., as Sheriff, & Aubrey Bevan, Gent., as Coro-

ner of Chester, James Galbraith, Esqr., as Sheriff, & James Clark, as Coroner of Lancaster, Samuel Bickley, Esqr., as Sheriff, & Benjamin Cook, Gent., as Coroner of Newcastle, Samuel Robisson, Esqr., as Sheriff, & Edmund Badger as Coroner of Kent, & Peter Hall, Esqr., as Sheriff, & Peter Clowes, Gent., as Coroner of Sussex.

A Message from the Assembly to the Governor:

"May it please the Governor—

"Any Expedient for restoring that Harmony which formerly subsisted between the several parts of the Legislature within this Province, would be truly agreeable to us: And we wish the Temper and Disposition the Governor was in at the time of his last Message, gave us greater Encouragement to believe any overtures becoming us to make might contribute to so good a purpose: But the warmth and Resentment with which he is pleased to treat us, the Disguise in which our Actions are placed, and above all, his avowed Attempt to deprive us of some of the greatest Privileges we enjoy, and at the same time to doubt whether we expected 'a serious Answer to our charge,' afford us little Reason to hope such Overtures may be attended with Success. Nevertheless, as we have the Interest of our Country much at heart, and as the Bills we lately presented to the Governor are necessary for its welfare, if he shall yet be pleased discharge the Trust reposed in him by giving his Assent to those and such other Bills as may contribute to the like good purposes, we shall so far overlook the Asperity of his last Message, and the repeated indignities thrown upon us, as to make further provision for his Support. This, in our opinion, is the most the Governor has reason to expect from us; for we presume he will not think it just, at a time when he is contending for his own Liberty 'as one part of the Legislative Body,' to deprive us of ours; which must be the consequence of his refusal to take into Consideration the Bills before him, until provision shall first be made for his Support. Other Parts of the Governor's last Message require our Answer, but the Dispatch necessary to be given to the Publick Affairs at this Season of Year, renders it necessary first to offer this to his Consideration.

"Sign'd by Order of the House.

"JOHN KINSEY, Speaker.

"6th Mon., 20th, 1742."

A Message from the Governor to the Assembly:

"Gentlemen—

"No Man more sincerely wishes than I do to see that Harmony restored which subsisted between me and two successive Assemblies after I came to the Government; nor can any Man more abhor the Thoughts of depriving the People of their Liberties, or the Assembly of any of it's just Privileges; but if, notwithstanding, I have

been frequently charg'd (and the Charge is spitefully repeated even now when Harmony is said to be desired), with Attempts of this sort, and have had such Indignities thrown upon me, as have been unknown to any other Governor or Assembly in the King's Dominions, it will not be thought unbecoming me to have shewn some degree of Warmth & Resentment against the Authors of them. When you shall think fit to treat me with the Civility due to my Publick Character, I shall not do so much Violence to my own Disposition as not to shew the same Regard to Yours.

"If you really suppose that I have refused to take the Bills you laid before me into Consideration, you have very much misunderstood my last Message, for I have had them long under Consideration; and when you shall be pleased to remove all undue influence and restore me to that Right of using my own Judgment, which as one Branch of the Legislative Body I am entitled to, by paying me the accustomed Support for the Time past, which you stop'd for my endeavouring to enforce the King's and the Proprietor's Instructions, I shall have it in my Power to shew by Actions as well as words that I have a very real Regard for the Peace and Happiness of the Province.

"If you are equally sincere in your Professions for restoring Peace, you will not refuse to do me the Justice for my Trouble and Expences in the Administration of the Government which you have constantly done yourselves for your own attendance in the Assembly; nor will it be difficult for you to find out a way of doing this consistent with the Liberty of both parts of the Legislature.

"GEO. THOMAS.

"24th August, 1742."

A Message from the Assembly to the Governor.

"May it please the Governor—

"Those who make a Right Use of their 'Understandings' are not to be convinced without Evidence, and must be made sensible of their Mistakes before they can admit the 'reforming their Conduct' necessary. If it be desired of us on other Terms, the Governor was much in the Right to have no 'expectation' of Success, and it would not serve his purpose 'to take the Trouble of answering our Messages' with this View.

"Divide and govern is no new Maxim; and those who perswade the Governor to believe our Conduct is influenced by 'Leaders,' whose Interests depend 'upon Keeping alive a spirit of Faction,' may perhaps promise themselves some advantages in pursuing this Rule. These may find their Attempts in vain. And we desire the Governor to consider our Actions in another Light, such as are the Result of our Judgments, accompanied with as great Unanimity as perhaps ever was known, and with a fixed & unalterable View to

the Interest of our Country. Yet we know it serves some purposes best to name Things by their Contraries: Thus, an honest Zeal may be called 'Faction,' and advocating the cause of Liberty 'Embroiling the Publick Affairs.'

"That 'His Majesty has been graciously pleased, after a Transcript of our proceedings had been laid before him, to signify his Approbation of the Governor's Conduct' is what in Effect he has often published & now repeats; but until this matter be a little better explained he must excuse us in suspending our Belief. Has 'His Majesty' been informed how many hundred Servants were carried away against their Masters' Consent and to their very great Loss by the Governor's Countenance and Encouragement? Is this a part of his Conduct which hath met with 'his Majesty's Approbation?' If it be, we desire the Governor will tell us so in express Words, that we may Know how to govern ourselves for the future, and no longer blame his Behaviour in that Affair. If it be not, why is 'his Majesty's Approbation' so often repeated to give Countenance to Actions to which it hath no relation?

"The 'Discontent in the Minds of the People' for carrying away of their Servants will not, we think, be easily removed; nor was there any need of 'a Repetition of the Charge to keep it up.' It neither was any part of our View, nor had we any desire to revive that Controversy further than was necessary to a Justification of the Conduct of a late Assembly against a Charge the Governor was pleased to make. But since the Governor has enter'd into a Detail of that Affair, he ought to excuse us in putting him in mind of some part of his Behaviour it may not, perhaps, please him to remember.

"The Proclamation issued by the Governor, inviting such as were willing to inlist in the King's Service, bore date the 14th of April, 1740. The same Day divers Servants applied themselves to the Governor to be inform'd whether they might Inlist. This the Governor answered in the Affirmative; and told them if they would go to Cuba they should be released from their Masters, and much more to the like effect. Hereupon great numbers resorted to the Persons the Governor had appointed to have their Names entred; and their Names when so entred were, by the Governor's express Orders, conceal'd. All this was before any application made by him to the Assembly to give a Bounty; And if this was not an Encouragement to the Enlisting and carrying away Servants we know not what is.

"The Governor is pleased to object, that 'to make a legal Inlistment the Person must have received Inlisting Money, must be carried before a Magistrate, the seventh and tenth Articles of War read to him, &c.' But if the Governor will be pleased to look into the Act of Parliament, from whence these 'Essentials to an Inlistment,' as he calls them, are borrowed, it will appear that all these,

except the Receipt of Money, are directed to be done after the Inlistment; and consequently, the Persons by that Act are allowed to be legally Inlisted before, altho' they may not be punishable for Desertion until the directions of the Act be complied with. And if all this & more was requisite to make a legal Inlistment, we conceive it is no ways material. The Question between the Governor & Assembly did not turn upon this point; but whether they were not so Inlisted by the Governor's Encouragement as to occasion a Loss to their Masters. On this Occasion he must give us leave to remind him of part of a Message of the late Assembly on the same subject in these words, 'What the Governor understands by the Word [Inlisted] we cannot take upon Us to say. The Word imports no more than the entering Men's Names on a list; and that this was done in the case of many Servants is a Truth so well known we persuade ourselves he will not deny. Then the Persons he appointed to take the Names of such who inclined to inlist were either duly authorized to this End or not. If they were duly authorized, many Servants were Inlisted by the Governor's means before any proposal was made to us for the giving a Bounty, and consequently no fault can be attributed to us. If they were not duly authorized, the Injury is yet the greater, that by the Governor's Directions those Persons shou'd take upon them to enter the Names of Servants, without any sufficient Authority to that End, and afterwards to lay claim to them by Pretext of that illegal Act.'

"The Governor is indeed pleased now to tell us 'That there was in Truth no Person duly authorized to inlist before the Arrival of Coll^a Blakeney;' And that 'No one was so weak as to think of holding any by their having barely enter'd their Names on a List.' We answer, if no Person was duly authorized to Inlist, the Injury is aggravated, since it was done by this Means, and as he now owns without any Authority. But whatever the Governor's present Sentiments may be, we have sufficient Evidence to prove, if occasion required, that those he employ'd in the Service had different sentiments at that time; and when some of them (being Magistrates) were apply'd to to order some of the Servants inlisted Home, they were answered the Servants were free and not obliged to return to their Service. This is the true State of the Case in relation to the Inlisting and Carrying away of Servants from this Province; and however the Governor may be pleased to gloss over his management in the Affair, it will not be easily forgot.

"The Governor is next pleased to charge us with 'double dealing,' because in our former Message we let him know that altho' the Assembly could not appropriate any Money to the uses requir'd, yet they had determined to give £4,000 to the King's use, and prepared a Bill to that purpose, which might have pass'd had not the Inlisting so many Servants prevented it. Wherein the double dealing consists the Gov^r has not render'd evident, nor will it be possible

for him to do. Unfair dealing is very apparent in the Construction he makes of this Paragraph. He is pleased to say, 'To declare that their Consciences could not allow them to raise and apply Money for Victualling and Transporting of Soldiers, & yet to determine to give £4,000 to the King's Use, that is for Victualling and Transporting of Soldiers, can, in my opinion, no ways be accounted for consistent with a good Conscience than upon the supposition of a new Revelation intervening between the positive Refusal and the Determination to give.' Waving the Scoff included in this Paragraph at Revelation, the Governor must give us leave to observe, the Absurdity he seems desirous of fixing upon us arises from his own mistaken Deductions and not from our words, and is but reviving a former Attempt in which he was unsuccessful. Because the Assembly did intend to have given Money to the King, does it follow it could not be done without appropriating it to any particular uses? And will it not behove the Governor to shew how he is warranted to say the Assembly intending to give it 'for Victualling and Transporating Soldiers,' before he could justly draw any inferences from it.

"When the Governor is pleased to take Facts for granted, on meer supposition, and without being truly informed, it was not difficult for him to place them in the Light he is desirous they should appear to give him the greatest advantages in his Argument. Thus, speaking of £4,000 intended to have been given by a late Assembly to the King's Use, he tells us, 'As £2,000 was to pay the Masters of such Servants as should inlist, and the other £2,000 was for Victualling and Transporting both Freemen and Servants, he is at a loss to account how the Inlisting of Servants should be a reason for laying aside the Bill; on the contrary, as the voting of £2,000 to pay the Masters was an Encouragement given by the Assembly to the Inlisting of Servants, it ought to be a reason for passing the Bill.' This Paragraph contains divers mistakes. First, the £2,000 proposed to be given by that Bill was by the words of Act made payable to the Governor 'for the King's Use, to be disposed of in such sort, manner, & form, as to the King should seem meet,' and not 'for Victualling and Transporting of Servants,' as the Governor is pleased to say. Next, it was so far from being 'an Encouragement given by the Assembly to the Inlisting of Servants,' that the Inlisting so many Servants was the true Reason why that Bill was laid aside. That it was contrary to the Design of that Bill may appear from part of the Preamble, which contains these words: 'Whereas divers bought Servants belonging to the Inhabitants aforesaid have Inlisted themselves in the King's Service, which, especially at this Season of the Year, may prove hurtful to the Province and greatly injurious to their Masters, and therefore we would hope it may be thought consistent with the Duty of the Officers concerned, and no detriment to the Service of the Crown, to discharge them and not to Inlist any hereafter. Nevertheless, since it may so happen that many of y^e^ Inhabitants of this

Province may, by this means, sustain Losses their Circumstances render them unable to bear, we think it highly reasonable Provision should be made for their Relief, &c.' But the Officers, by the Governor's Countenance and Encouragement, persisting in the Inlisting and Detaining Servants from their Masters, notwithstanding the £4,000 proposed to be given, and all Applications to the Governor to discharge them (some few excepted) proving ineffectual, the Assembly thought the giving of Money at that time would make them Accessary to one of the greatest Grievances the Province ever groaned under. And if the Interest of the Crown had suffer'd for want of the Money they were willing to give, it must (to use the words of that Assembly) 'be owing to his Misconduct, for it could not be thought reasonable to give a sum of Money which might be applied to Transport so great a number of our Servants from their Masters, when there were as many if not more Freemen inlisted than amounted to a full proportion to this Province.'

"The Governor is pleased to add, 'but the Truth of the matter is, after the Assembly saw the Servants were Inlisted, tho' contrary to his express Directions when he went down to Newcastle, they thought they had a good Handle of Complaint against him, and a good pretence at the same time to save their Money.' Such is the force of Truth it will sometimes appear when there are the strongest Attempts to hide it. If the Inlisting of Servants was, as the Governor here says, 'contrary to his express Directions,' how is it possible the Assembly should have thought it 'a good Handle of Complaint against the Governor?' Does it not rather shew, that as the Governor admits something did happen which might be thought 'a good Handle of Complaint against him,' it must be, what in Truth it was, the Countenance and Encouragement he gave to Inlisting of Servants, notwithstanding his pretences to the Contrary.

"The Governor is pleased to proceed, 'Upon the same supposition that you were in Earnest in the Bill for giving £4,000, I have been so far from adding to the Publick Expence, as you charge me, by encouraging the Inlisting of Servants (had I really done so), that the Publick has been a Saver by it; For as £4,000 was intended to be granted, and but £2,600 has been paid for Servants, there is evidently a Saving of £1,400 to the Publick.'

"In making this Estimate the Governor might have been pleased to consider that the £2,600 paid for Servants was so far from compensating the Damages sustained by their Masters, that we presume double that Sum would fall short of it. Again, on another occasion the Governor was pleased to tell us 'that we had expended near £8,000 in paying for Servants, long Sittings, numerous Committees for drawing Petitions, Representations, and Messages, in Salaries and Expences of an Agent and an Agent Assistant, and in Fees to Lawyers, &c.' If this Calculation be right (as the Expence was chiefly occasioned by the Governor's Means), the £8,000 added

to the double of the £2,600 makes £13,200, and the £4,000 proposed to have been given to the King's Use being deducted, leaves a Ballance of £9,000 Damage and Expence to the Province, occasioned by the Governor's misconduct in the Instances complained of.

"The Governor, indeed, is pleased to add, 'the £3,000 lately given has no relation to that Matter, for that it was given unasked and under the pretence of commiserating the Burthens and heavy Taxes our Fellow-Subjects labour under in England.' We answer, so was the first £3,000, as he may find by the Message of the Assembly who gave it, dated 2 of Sept^r 1740, and its being unasked does not alter the Case at all. If 'the true Reason for giving it be as here,' it will be very agreeable to us; for whatever they may think of the Legality of the Gift, the Intent with which it was given must needs be approved of, viz^t: 'their being willing to demonstrate the Fidelity, Loyalty, & Affection of the Inhabitants of this Province to our Gracious King.'

"'That the Legality of the Grant of £3,000 has been made a Question of by much greater Men than any of Us,' may for aught we know be true, though we have had no other Account of it than from the Governor & some of his Friends. If any such Question has been, we are of opinion it must be for want of being acquainted with our Constitution. We know there are Acts of Parliament which forbid Loans and Benevolences to the King, but those have no relation at all, as we conceive, to the Money we gave, it being given by virtue of an Act of Assembly which had the Royal Approbation, and we presume those 'greater Men than any of us' might not know the Assembly have such a Power by virtue of an Act of Assembly now in force. We own 'it is not difficult to conceive that the refusing to give at one time and the giving at ahother may be equally blameable,' tho' we dont think it's properly applicable to our Case. But if the Governor can shew it was lawful for the Assembly to give Money to the Crown in the Year 1740, and it was not lawful in the Year 1741, tho' in both Years the Power was the same, it will, we confess, shew us something more than at present we understand. And the Governor may also, if he pleases, inform us whether it had not been as decent, and shewn full as much Duty and Regard to the Crown, to have forborn anticipating the King's Sentiments on the acceptance or non-acceptance of the Money directed to be presented him until his pleasure was known.

"That we did address the Proprietaries, complaining of divers parts of the Governor's Conduct, is now made Publick. This we thought for their Interest and the good of the Province; whether they or we have judged best Time may determine. Whatever Opinion we might entertain of their Partiality or Impartiality, our Application for Redress could regularly be made no where else; And as they have mistaken Facts and taken Things upon Trust, the

Judgment they have formed of the Dispute between them and us can have but Little weight.

"The Governor is next pleased to proceed to acquit himself from the Charge of attempting to deprive us of our Privileges; And we are told 'That his Duty to the King is prior and paramount to any obligations he is or can be laid under to any Persons whatsoever, and where an Inferior Duty interferes with a Superior, the Superior is to be preferr'd.' What this 'prior and paramount Duty' is, the Governor has not been pleased to inform us, nor how his Duty to the King interferes with any Engagements he is under as Governor to the People. We ever thought that as the Interest of the King and his Subjects is inseperable, his Duty to the Crown was not incompatible with the Privileges granted to us. And however the Governor may be pleased to gloss over his Attempt against the Privileges of the Representatives of the Freemen of this Province, it is not likely to be remember'd to his Honour. 'That the Assembly have Right to sit on their own adjournments,' the Governor admits; 'That they made a very ill use of this Privilege,' he must permit us to deny. And even suppose they had, his private Attempt to take from us that Privilege, not because it had but 'because it might bring great prejudice to His Majestie's Service,' is not to be justified.

"We are advised, if we would 'preserve this Privilege, to use it with Discretion.' We answer, the advice is good; it is both what we have done, and what we shall yet endeavour to do; But he must allow us to think it does not come the most gracefully from one who so lately attempted to deprive us of that Privilege. To our Proprietor's Sentiments of this Privilege we can say little, since we are not informed when or on what occasion it was written; And as we have not only his Charter but an Act of Assembly, and near Forty Years' Practice conformable, without any Dispute that we are apprised of, we think ourselves well entitled to the Privilege, whatever his private Sentiments may have been.

"'The Disposition of the Publick Money,' the Governor allows, 'is a temporary Right,' but denys it is a Privilege. Not to introduce a Dispute about words, suppose it a Temporary Right only; Does that justify his private Attempt to destroy that Right established by a Law to which he himself had given his Assent?

"But the Governor is pleased to add: 'From the observations he has made, this is so far from having been of late an advantage to the Province, that he is convinced some Thousands of Pounds would have been saved in the two last Years had the Money been appropriated by those Acts, or the People's Representatives been under some Check.' What part of the Money given might have been saved the Governor does not clearly shew us; perhaps he may think the £2,600 advanced to pay the Masters for those Servants *which, by his Encouragement*, were inlisted and carried away

from them, might have been better bestowed. And there can be no doubt he would be pleased to have it in his power to prevent any of the Publick Money from being applied in Maintenance of those Privileges he is attempting to take away. The Proprietors, we are told, 'entertain the same opinion of this Power, and That the Money belongs to the People; and the more difficult it is to appropriate any of it, the less probability there is of having it unecessarily expended.' That the Proprietors have like Sentiments with the Governor, & for the same Reasons, is very probable; But if 'the Money belongs to the People,' as they are pleased to admit, we should rather think this proves the People have Right to appropriate it, by the same Rule that every Man may dispose of his own.

"The Governor further says, 'After the Account given by me to the Lords of Trade of the Defenceless State of the Province, it was added, that so long as a House of Assembly shall be composed of a set of Men who oppose all Preparations for Defence, the Province will remain exposed, &c.'

"Have not the Representatives of the People Right to Judge both when there is Danger and whether any preparations be necessary? May not a Governor, from a view of encreasing his own Power, tho' under pretence of the Safety of the People, put these Things on foot to aggrandize himself, though it impoverish them, and changes the Constitution? And can he call it just, because any 'set of Men' differ in opinion from him, to attempt to take away one of the greatest Civil Liberties they enjoy, and which they were principally concerned in procuring to others, in common with themselves? The Governor is pleased to ask, How it comes to be more a breach of his Solemn Engagements now than it was two Years ago? We answer: The Assembly at that time had the like Sentiments of his Conduct, and that it was a breach of his Solemn Engagements, which, in one of their Messages, they express in these Words: 'There was a time in which he thought fit to entreat us to preserve the Character we had so well deserved of a peaceable and conscientious People, And to maintain that Christian Liberty which had made this Province the admiration of all its Neighbours; That in him we shou'd always find a steady Regard for our Liberties, both civil and religious, &c.' and that he trusted no Station of Life would alter his Sentiments. But the times are changed; to be peaceable & conscientious is now made Dangerous; That Christian Liberty, once the Admiration of its Neighbours is now become destructive to Society; those Civil & Religious Rights which once were the only rational Foundations of Society, are now made inconsistent with Government; and where we expected an Advocate, we find the strongest attack on our Liberties, civil & religious.

"To our Question, 'whether his Majestie's Commands required that the People of this Province should be charged with carrying

on Manufactures directly interfering with the Trade of our Mother Country,' the Governor is pleased to Answer in the Affirmative; That 'His Majesty commanded he should give his Ministers a particular Account of his Transactions;' That 'the Assembly insisted, as an Argument against the Legality of Inlisting Servants, that the Trade of Servants was advantageous to Britain; That as this Argument was calculated to engage the Trading part of the Nation against him, it behoved him to shew how the Trade of Servants was injurious to our Mother Country,' &c. On this permit us to remark, That tho' the Reasons offer'd in support of this Part of the Governor's Conduct do not prove what they are adduced for, they do prove by implication more than we presume he intended. If the Governor was really against the Inlisting of Servants was it not a sufficient Defence for him to deny the Charge; and how could it become necessary for him to prove that 'the Trade of Servants was injurious to our Mother Country,' and 'that the Inlisting of Servants was lawful,' if he was unconcerned in it? Or how could the Assembly's insisting on the Trade of Servants being advantageous to Britain be an 'Argument calculated to engage the trading Part of the Nation against him,' if he gave no Encouragement to the Inlisting and carrying them away?

"The Governor further proceeds to tell us, 'Whether it was or was not his Duty, it will not be thought an Instance of prudence in us to bring this matter again under the Public Notice.' We answer: If it be admitted that Manufactures are carried on to the disadvantage of our Mother Country, the observation might be just; but in this we are not agreed. It must be owned that many Servants have been yearly Imported among us, but the Labour of far the greater Number of them is apply'd to the Clearing and Tilling of Land and other Acts of Husbandry; and tho' some Tradesmen have likewise been brought among us, we think any Trade carried on by their Means very Little, if at all, affects the Trade of our Mother Country. We, therefore, know of no Reason given the Governor to call our Prudence in Question on this occasion; although it is probable he may be displeased to have a part of his Conduct pointed out to him, that almost every man who hears must censure. The 'standing Orders' and 'Queries' directed to be annually answered the Governor is pleased to mention, we presume are in substance the same with those to every other Governor on the Continent, and might in our opinion be answered without prejudice to the People of this Province; and no Governor that we ever heard of but himself ever gave a like account, or ever look'd upon it as their Duty so to do. Besides, the Governor may be pleased to remember he had, at the Date of his Letter to the Lords for Trade, been upwards of two Years in the Province; these Queries were to be annually answered, and we believe he will not say that either before or any time since hath been much the same. If this be so we may leave the World to judge whether this Part of his Behaviour

does not discover the Governor's Intention of Gratifying his Revenge rather than Performing his Duty.

"The Governor in a former Message was pleased to proclaim the Merit of his Friends in having 'supplied him with Money.' To this we answer'd, That 'if the Merit consisted in Purchasing the King's Bills at an easy Exchange, once Publishing it to the world might have been sufficient,' and we are yet of the same mind. But why the Governor shou'd leave the obvious Sense of the Words to find out Insinuations not intended, we must leave him to determine; and when he discovers his Mistake to withdraw the Consequences he is pleased to deduce from thence. That Bills of Exchange were at that time sold lower than was usual for some considerable time before, we presume he will not deny; and if the Gentlemen who purchased those Bills did really give the highest Price then current, it was justly termed 'easy' in respect to the price formerly paid for like Bills. And, therefore, what great Merit there was in advancing Money for which they had or were to have the King's Bills we cannot find out.

"That we did call upon the Governor to shew an Instance of the late Assembly's 'laying aside Truth and Publickly defaming him' is true; And he must now permit us to think he has failed in his Attempt.

"The Instance the Governor was pleased to give is part of the Proprietor's Letter, wherein they say, 'We find the Governor was so far from desiring the Inlistment of Servants that he very early took measures to prevent it.' And again, 'The Assembly became the occasion of the Grievance, tho' the Governor is charged with the Inconveniences that have attended it.' The Governor has been pleased to say so and the Proprietors believed him. But that the contrary is true we have already shewn, and that the 'early Measures he took' was to encourage the Inlisting of Servants: So that these Paragraphs only prove the Proprietor's mistaken. Even in the Message we are now answering, the Governor contends for the Legality of Inlisting of Servants, which he needed not to have done were he not conscious the Charge was true, and that therefore it behoved him to support it.

"Though this was generally believed to be true, yet so cautious were the late Assembly against fixing such a Charge on the Governor, that they forebore to do it until Enquiry was made concerning the Truth of the Fact. On this Enquiry they were satisfied the charge was true, by Men whose veracity has not, to our Knowledge, been questioned. But that any Examinations or Depositions were ever taken and sent to England, or to be sent there, is a gross mistake, and the Governor must give us leave to call upon him to make good his Charge, viz^{t}: That 'the Assembly employed Men (some of them without shame or common Honesty) to procure the depositions of Blacksmiths' Boys, and such like Rabble, to support

it, and then clandestinely transmitted them to England,' or we must leave the World to judge who it is that has 'laid aside Truth' in this Instance. And we presume, were the Governor himself to judge, he must think that those who were pointed at as 'wanting shame and common Honesty' on so gross a mistake of his own, have been ill used, and would perhaps think himself not well treated, to return his own Expression, that those who 'set any value upon a Character would have scorned such Insinuations to the prejudice of other People's.'

"Our Right to Petition, the Governor is pleased to allow; but adds, 'When a Petition contains Matter of Complaint against any particular Person, that Person has a Right to a Copy of it, and the transmitting it, without doing him that Piece of common Justice, may be justly compared to a stab in the Dark.'

"That the Governor might and ought to have a Copy of the Petition after it is presented to the King, we agree; but that we are under any obligation of delivering it to him unasked for before it is presented, we do not think. And were we to admit it for Truth,—is there not the same Reason in relation to other Complaints as well as in those by Petition? And is not reason equally forcible where the Persons complained against are more than one? What then becomes of his Letter to the Lords for Trade, and his Friend's Petition lately presented? Did he or they deliver us any Copies of those? The Governor was more than once Publickly acquainted with the Intentions of the late Assembly to Petition, and was informed it was to contain a Complaint against him for the encouragement he gave to the Inlisting and Carrying away of Servants. His Letter was private, the Contents not communicated to us, and that it was intended to have remained so, his Resentment at the Discovery shews; So that it is clear an injury was intended us, and that it should not be known from what Hand it came. And therefore his Comparison of 'the Secrecy of a Romish Conclave,' and an Attempt 'to a Stab in the Dark,' are much more applicable to his Letter than to the Petition of the late Assembly. It is true that Petition was not 'Published in their Votes,' which the Governor is pleased to say 'used to be the Practice in regard to all Publick Affairs;' But in this he is mistaken. It is not only agreeable to the Practice of 'former Assemblies' here in like Cases, & in all the Instances in our Memory, but we think it would have been indecent, and in many Cases give just Cause of Complaint, to paint and publish Petitions before they are presented. How sollicitous the Governor & his Friends may have been to have had this Petition presented, we neither do nor are concerned to know; but whenever his Letter obtains the Honour of being laid before the King, it will be no fault of ours if that Petition do not accompany it. Until this be determined, a Copy of the Petition can be of no use to him that we know of. As to the Charge 'of the Exami-

nations or Depositions that were taken and sent to support it'—Designs to amuse—'Emissaries well Instructed,' who made the People of the Country believed 'that a new Governor was most certainly to come over soon,' we must desire the Governor to rank among the Number of the many facts in which he has been misinformed, and we think ought to put him upon considering the Credit of the Persons by whom he is so much abused in his Intelligence.

"We next proceed to that part of the Governor's Message which relates to the Council. As they are by our Constitution no part of the Legislature, we did not think any proceedings of theirs entitled to our Notice. To this the Governor is pleased to Reply, 'This might have been proper enough had the Council thereby assum'd any part of the Legislative Power, but that, in the Case before us, it is in his opinion no more to the purpose than if we had told them they were no part of the College of Physicians, &c." We answer, In this we must be permitted to differ in opinion from the Governor; If the Council are no part of the Legislature, they have no Right to enter into any Debates with us, nor have any Proceedings of their's a Right to our Answer; If they can take upon them to arraign and censure the Conduct of the Assembly, which they had not the least Authority of Law for doing, we knew not what Power they might next assume; and it was, therefore, necessary to let the Governor know they had no other Right to our Notice than any other like Number of our Constituents.

"As to that part of the Governor's Message which relates to the Resolves of Assembly, He must Allow us to retain our former Sentiment, notwithstanding anything he is pleased to say to the contrary. But as the discussing this Matter is not necessary on any point in Controversy between us, we do not chuse to swell our Answer by entering into the further Consideration of that Affair at present.

"The Governor is pleased to say, 'Enough has been said of our Apprehensions of the great and frequent Importation of Foreigners.' We answer: We are of the same opinion. Sufficient has been said to shew that this charge, which was attempted to be fixed on the present Assembly, took its rise in the Proprietary Family, and was promoted by some of the Governor's Friends; And permit us to add, That if the Governor has in Truth that Regard for the Germans he wou'd persuade us to believe, his giving his Assent to the Bill we have prepared and laid before him, for confirming the Titles of those who holds Lands under some of them who died unnaturalized, and for enabling others of them to partake of the benefit of a late Act of Parliament, and thereby to become naturalized (who not being of the People called Quakers, do yet conscientiously scruple an Oath), will be greater Demonstration of it than any which can arise from the part he has taken in the Debate concerning them.

"The Governor's Administration in the Lower Counties does not

immediately concern us, and therefore we can find no other Reason for his introducing it into the Debate than to take an opportunity of Commending it; But he must allow us to think on whatever Principles he was pleased to Act, they and we were not dealt by in the same manner relating to Servants. When Application was made to the Governor here to discharge the Servants inlisted, for that the Number of Freemen were a sufficient proportion for this Province, his Answer was, 'That he had more than once told us he was directed to raise 'as many men as he could.' When Application was made to him in those Counties to the like purpose, he was pleased to find out 15 or 16 Supernumeraries.

"How well satisfied the Governor may be with the Opinions he has had from England, 'of the Legality of Inlisting Servants,' he best knows. And it is at his pleasure whether he will entertain the least opinion of the Credit of those Persons who have given us Reason to believe it will not be thought 'a punctual Obedience to His Majestie's Commands,' nor is it likely to receive his Royal Approbation. Permit us, however, to retain our former Sentiments, both of the Credit of the Persons and the Accounts they have given, it being what appears to us most consistent with natural Justice, and those Rights which every Subject of the Crown of Great Britain may justly claim. Whether our Conduct may have merited the King's Approbation, does not become us to judge; we may, however, without breach of Modesty say, it is what we have endeavored to deserve, and if we are so happy as on any occasion to obtain, we do assure the Governor we shall never disgust our Readers by our frequent and unnecessary Publications of it.

"If there be any who 'wonder how a Governor can spend a Hundred a year,' we are not of the number, nor did we take upon us to judge of the Governor's Oeconomy. We leave this to the Gentlemen he allows to have Right so to do, and if anything in our Message was understood to Charge the Governor with being too profuse, we may assure him it was not intended.

"The Governor is pleased to proceed: 'Whilst you are attacking my Rights your Right to the manner of paying yourselves your Wages is not very clear, for that if we may pay ourselves out of the interest money, because we may apply it to what uses we shall think fit, we have a Right, if we think fit, to divide it amongst ourselves.' We answer: The Consequence is by no means fairly deduced from the Premises; the power given us by Act of Assembly must, and ever was understood to such Publick Uses as we shall think fit; and as the Payment of our Wages prevents a Tax upon the People, we thought and yet think ourselves well warranted in applying the Money to this Purpose.

"Give us leave to add, that our Complaint against the Governor was not his 'mentioning the Sentiments of the People,' but his random Charge against the late Assembly with 'a Piece of Art in

Distributing the Publick Money by the partiality shewn in Paying the Masters of Servants inlisted, &c.—An insinuation altogether groundless, and very far from being the Sentiments of the People; For they entertained favourable Thoughts of that Assembly for the Allowances made them, tho' it fell far short of an adequate Compensation for the Losses they sustained by those Officers, who, countenanced and encouraged by the Governor, had carried away their Servants.

"It would, therefore, in our opinion, have reflected full as much Honour on the Governor's Conduct (were it in his Power) to have acquitted himself from his Charge, rather than without any Colour to attempt to fix Partiality on others which he cannot prove.

"And tho' we have no Reason to expect his Judgment in the Case to be equal, since without knowing how the Affair is circumstanced, he is pleased to determine against us by declaring, 'There is good Reason to believe there has been a partial Distribution of the Publick Money in the 'Paying for Servants.' Yet willing to give the Governor all the satisfaction in our Power that Impartial Justice was done, we shall send a Copy of the List by which the Compensation was made, of which he may make what use he pleases. The 'Publication' we did not promise him.

"As to the Persons 'removed by the Governor from Offices,' permit us to say, their removal conferred greater Honour than was done them on the bestowing those Offices. And were they, as the Governor is pleased to say 'he is tempted to suspect the Penmen of their own Praises,' after his own great Example, with this Advantage that they had the Approbation of others, it might we think have escaped his Notice.

"What might have been the Effect had the Governor been pleased to 'descend to the mean Arts of Flattery & Dissimulation,' as he tells us he did not put them in Practice, can only be conjectur'd; And as the Success he seems to have promised himself depends on mistaken Intelligence, he may allow us to think he would have been disappointed, unless he can demonstrate his Influence would have exceeded an Office and a hundred ℔ Annum. In this, however, we agree it was not worth his while to bestow great Pains in attempting to make a 'Tool,' unless he had more prospect of Success and had been unprovided.

"We now proceed to consider what the Governor is pleased to say in these Words: 'I am persuaded you do not expect a serious Answer to your Charge of a manifest Design against the Liberties of the People. This, however, is the Engine you have work'd with to deceive the People, and you know the advantages of it too well to part with it now. If there be such a Design, it is strange it shou'd be manifest to none but 'You and your Partizans.'

"We answer: The Party we are of is our Country. How the

Governor can pretend either that there is not a manifest Design against the Liberties of the People, that it is not manifest, or that he can suppose there is any Colour to Charge this as an 'Engine we have work'd with to deceive the People,' appears to us very extraordinary. Is not the Right of being elected to serve in Assembly one of the greatest Liberties the Inhabitants of this Province enjoy? And hath not the Governor manifestly attempted to deprive great numbers of the Freemen of this Province of that Right? Are not the Liberties of the People affected when Designs are set on Foot to deprive their Representatives of their Privileges? These, and other Instances which might be given, are so flagrant that we are at a Loss to know why he should think we do not expect a serious Answer, unless he is pleased to suppose we are to be jested out of our Privileges.

"The Governor must give us Leave to add, that we think no one but himself can find out any thing in our former Message which shewed the least Distrust 'of His Majestie's Royal Virtues,' Or that we thought he would give the least Countenance to 'Enterprizes destructive of our Liberties,' and yet it does not follow but that such Attempts have been made, and that it is our Duty to the utmost of our power to oppose them.

"It gives us great concern that we are put under the Necessity of continuing this Debate, and it would be highly satisfactory to us to put an End to it on any Terms consistent with our Duty and the Good of our Country. As to the Bills which lie before the Governor, since he was pleased to tell us That 'he did not think he could be in any degree discharged from the obligations he is under to promote our Ease and Happiness,' That 'those Bills he supposed we judged necessary for those Ends, and as such they should not fail of having their weight with him,' we had reason to hope he would have given them all Dispatch in his power, either by proposing Amendments or giving his Assent to them as now formed. This would have engaged us chearfully to have made further Provision; for the Governor's Support in the manner which hath been usual on the passing of Bills but his last Message deprived us of any expectations of this kind, and only leave us room to wish the Governor was free from all 'undue influences,' and more at 'Liberty to exercise his own Judgment in Conducting the Publick Affairs,' without insisting on Terms not to be complied with but by altering the manner in which this additional Support has been given.

"Before we conclude, permit us to add: It is not the Governor's endeavoring to inforce the King's Instructions 'that is an obstacle in our Way to giving him this additional Support (what Instructions of the Proprietors he may allude to, he knows best). But if the Governor had shewn that Regard to the Liberties of the People of this Province they had reason to expect, and had proceeded on the Bills before him as former Governors have done, he may assure

himself we should have made a suitable Provision for him. And since he has not thought fit to come into these Measures, what remains for us to do is to give the necessary Dispatch to so much of the Publick Business yet undone which is in our Power, & adjourn to the End of the Year.

"Signed by Order of the House.

"JAMES KINSEY, Speaker.

"6th Mon. 27th, 1742."

At a Council held at Philada., Octo^{r} 15, 1742.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut^{t} Governor.

Samuel Preston,	Thomas Laurence,	Esqrs.
Samuel Hasell,	Ralph Assheton,	
Abraham Taylor,	Robert Strettell,	

The Governor informed the Board that the Representatives in Assembly having Yesterday met & made Choice of a Speaker, had sent five of their Members to acquaint him therewith, and to know when he would be pleased to receive them. That he thereupon had order'd the Council to be summoned this Day, & sent a Message requiring the Assembly's Attendance at 12 o'Clock, in order to present their Speaker.

Accordingly the House, with their Speaker, came up, And Mr. Kinsey, addressing himself to the Governor, spake in this Manner:

"May it please the Governor:

"The Representatives of the ffreemen of this Province did Yesterday meet in pursuance of the Law and Charter, and made Choice of Me for their Speaker.

"I know that on such Occasions some Men of Wit have displayed their Parts in making Disqualifying Speeches, and thereby set forth their Talents to greater Advantage, but tho' I am sensible of the Difficulties which attend the Execution of the Duty of Speaker, and of my own insufficiency, Yet as the Representatives have thought fit to make Choice of me, I shall only Say that my purpose is to perform that Service with Integrity in the best manner I can, according to my understanding, And I wish my Behaviour therein may merit the Governor's Approbation.

To which the Governor answer'd:

"S^{r}—

"I hope your Conduct will be such as may merit the Assembly's Choice and my Approbation."

Mr. Kinsey then said:

"I am, then, on behalf the Assembly, to request the Governor that

he will be pleased to protect them in the enjoyment of their usual priviledges, which I shall enumerate as well as my Memory will serve; first, that they may have a free Access to the Governor at proper Times when the publick Business may require it, That their persons may be free from arrests during the Sessions of Assembly, That they may enjoy freedom of Speech in their House, And that the Governor will be pleased to put a favourable Construction upon their Proceedings, and not give Ear to any Reports Concerning their Debates until the same shall be past into Resolves, And, Lastly, that the Governor will be pleased to Excuse any involuntary Mistakes Which I may make in the Exercise of my Duty.

To which the Governor Replied:

'Sr.—

"I have never hitherto invaded any of your Privileges. Those you have now mentioned seem essentially necessary to the being of an Assembly, and you may be assured that all such as you have a just right to shall be maintained by me inviolably."

And then the Assembly withdrew.

His Honour then Communicated to the Board a Letter which he yesterday received from General Oglethorp, with a Summary Account of the Transactions in Georgia during the late Spanish Invasion of that Province.

MEMORANDUM.

At Newcastle, the 3d of November, 1742. Two Members of the Assembly of Pennsylvania, Vizt. James Morris & Oswald Peel, waited on the Governor, and address'd themselves in the manner following:

"May it please the Governor:

"By order of the Assembly now sitting at Philad^a. We wait upon the Governor with this Address (presenting it). As the House expects our Attendance this Afternoon, we hope the Governor will give Us an Answer to the Address, that we may make Report to the House at the Time expected.—The House were in Daily expectation of the Governor's Return, which was the reason the Address was not presented sooner.—Divers Bills have past the House ready to be laid before the Governor, and they desire to know when the Governor's Affairs will permit his Return."

The Governor told these Gentlemen that he would read over the Address, and give them some Answer in an hour or two.

Accordingly, in that Time the Governor sent for the Gentlemen and gave them the following Answer, to be delivered to the House, Vizt.

"Gentlemen:

"My attendance on the business of this Government being of

Course required at this Season of the Year, and it having been Customary for the Assembly of this Province to adjourn, for that reason I could not apprehend that my absence would have been any ways inconvenient to them, and am sorry there was any Occasion given for the Enquiry mentioned in the Address You have delivered to me.

"My Attention is at this Time engaged by several Bills which the Assembly of this Governm^{t} have laid before me, but as I hope to finish the Business of the Session here so as to be at Philad^{a} to-Morrow, Your House may be Assured of such a Compliance with their Request as may be agreeable to Law and the Rights of the Subject.

At a Council held at Philada., Nov^{r} 5th, 1742.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

Samuel Preston, Clement Plumsted,
Thomas Laurence, Ralph Assheton,
William Till, Abraham Taylor,
Robert Strettell, } Esqrs.

Tench ffrancis, Esqr., Attorney General.

The Governor informed the Board that on Wednesday last, whilst he was at Newcastle, he had received an Address from the Assembly of this Province by two of their Members, which having relation to matters of Law, He had, therefore, required the Attorney General's Attendance now in Council; and then Ordered the said Address to be read, as follows in these Words, Viz^{t}

"To the Honble George Thomas, Esqr., Lieutenant Governor of the Province of Pennsylvania, &c.

"The humble Address of the Representatives of the ffreemen of the said Province in General Assembly met.

"May it please the Governor:

"By a Petition lately presented to us from a Great Number of the ffreemen of the City and County of Philadelphia, they Complain of a very extraordinary Riot committed within the said City at the last Election. As it is an Affair which justly alarmed the Inhabitants of this Province, and was attended with very uncommon Circumstances, it engaged our Enquiry & Stay much longer than is usual at this season of the Year. The Discoveries we have been able to make in the Course of this Enquiry, we apprehend it to be our Duty to lay before the Governor as they appear to Us from the Examinations taken, which are to the Effect following:

"Early in the morning on the first of October last past, being

Day appointed by our Charter & the Laws of the Province for Choice of Representatives to serve in Assembly, a Number of lors, consist[g] of thirty or upwards, mostly Strangers lately ar-ed at the Port of Philadelphia, prepared themselves with large ıbbs or Truncheons, and Armed with them went about thro' di-s parts of the City in a riotous and tumultuous Manner, and par-ılarly before the Mayor's Door and in his sight, without his ing the Care he Ought to have done to disperse them. Divers emen, Inhabitants of the City, observing this, and fearing some trage was intended at the Election, and judging it unlawful for se Men to go about in the Manner before described to the Terror the King's good Subjects, Addressed themselves to the Mayor Recorder the same Morning, desiring them to take proper Mea-es for preserving the Publick Peace, but did not receive such an wer as might justly have been Expected from Gentlemen in ir stations. Applications were likewise made to others of the y Magistrates, who promis'd to attend and use their Endeavours prevent any Disorders which might happen. About the Tenth ır in the forenoon of that Day, the ffreemen & Inhabitants of the unty being met, and the Sheriff attending, proceeded in a peace-e manner to choose Inspectors, During which Time the Sailors ore mentioned having joined themselves with others, also Stran-s, making in all about seventy, arm'd with Clubbs or other Wea-ns, which they flourish'd over their Heads with loud Huzzas, & a furious and tumultuous Manner approached the place of Elec-n. Divers of the Magistrates present observing this, attended some few of the Electors, went towards them and let them know y had no right to appear in that Riotous Manner, endeavouring perswade them to desist going further or giving any Disturbance the Election, in which they, being Strangers and not Inhabitants, ıld have no pretence of Right, and desired them to retreat peace-ly. This the Sailors not only refused, but struck at the Magis-tes and others with great Violence. The Constables interposing th their Staves for some time kept off the Rioters, but their At-k was so furious as to break the Constables' Staves, who were en obliged to give ground. In this interval, divers of the Inhabi-ıts were knock'd down and greviously wounded, and amongst m one of the Alderman of the City, who in all likelihood would ve been barbarously murthered had it not been prevented. The ilors at length march'd away in the same Riotous manner they me, and the Inhabitants being unwilling to be disappointed in ir Election, and not Expecting further Abuse, proceeded in the oice of their Inspectors, which was perform'd in a very peaceable anner. And soon after the Ballot for the Choice of Representa-es was begun, when on a sudden the same Sailors, in like furious d tumultuous Manner as aforesaid, made a second & unexpected ttack upon the ffreemen of the Province, throwing Stones at them d knocking down all they were able, without Regard to Age or ation. Many of the Inhabitants having before dispersed them-

selves to several Parts of the City, and those who remain'd being unarmed and having nothing to defend themselves withal, were in the Surprize driven away by the Sailors some distance from the Place of Election, but at length recovering themselves and provoked by the repeated Abuses they had received, turned on their Assailants, who seeing this soon fled before them, and being pursued by directions from some of the Magistrates, upwards of fifty of them were in a little Time apprehended and carried to Prison, and the ffreemen proceeded to finish the Election of their Representatives, which was done in a very peaceable manner.

"ffrom many concurring Circumstances which appear in the Examinations we have taken, we are fully satisfied this insolent Attempt must have been the Effect of some contrivance preceding the Day of Election, and as it was committed chiefly by Strangers lately come into the Province, who had not the least pretence to intermeddle in our Elections, and without any Provocation w'soever, it is reasonable to believe they must have been engaged in this wicked and Dangerous Enterprize by some who have had longer residence amongst Us.

"In the Course of our Examinations it further appears that the Recorder & divers other Magistrates were Present and saw these Outrages committed, and were at the Time repeatedly requested to exert themselves in suppressing the Rioters, and told that Numbers of the Electors were ready & willing to Assist to that End if the Magistrates thought fit, but all Applications prov'd wholly ineffectual; they refused the Least interposition of their Authority, and remained Unactive Spectators of the abuses committed, some of them behaving rather like Men that approved of the Conduct of the Rioters than otherwise. This, however, was not the Case of all the Magistrates; some there were who Exerted themselves laudably, and Merit the Thanks of all Well Wishers to the Province for the Services done their King & Country on that Day.

"As this Attempt hath a tendency Manifestly destructive of our Liberties and subversive of our Constitution, and the ffreemen of the Province are deeply interested in the Consequences, it requires the most diligent & careful Enquiry to discover from whence it took its rise, by whom it was carried into Execution, & who they are that aided, abetted, or countenanced the same, that the Offenders may receive Exemplary Punishment agreeable to their Demerits.

"ffor these Reasons & these Ends may it please the Governor to recommend it to the Judges of the Supream Court as an Affair of the Greatest Importance worthy of their Notice, in which, as they have an undoubted Right, they ought to interpose and take Cognizance of in a Court of Oyer & Terminer to be summoned for that purpose.

"Signed by Order of the House.

"JOHN KINSEY, Speaker.

"November 2d, 1742."

Upon reading whereof, Mr. Till, the present Mayor, moved on behalf of himself and the other City Magistrates, that he might have A Copy of the Address, in order to enable them to take such Methods as they should think proper for their own Justification; Which was granted, and a Copy order'd to be made out accordingly.

The Governor then demanded the Attorney General's Opinion whether he could legally comply with the Prayer in the Close of the said Address, by interposing his Authority to remove the Cognizance of the said Riot from before the City Magistracy, before whom the same is now under a regular Prosecution to the Justices of the Supream Court, in a Court of Oyer & Terminer to be held for that purpose.

Mr. ffrancis, the Attorney General, having Perused the City Charter And the Act of Assembly Establishing Courts of Judicature (both which lay before him), delivered it as his Opinion, that the Supream Court has not power to restrain the Tryal of these Offenders before the Mayor's Court, as the Mayor's Court has Authority by Charter to hear and Determine all Riotts Committed within the City, unless legal Application be made to the Judges of the Supream Court on behalf of the Crown, or by the Defendants for the Ordinary Restrictive & Mandatory Writts, That the Justices of the Supream Court as Judges of Oyer & Terminer or Goal Delivery have no Cognizance of any Crimes less than Capital, And that if the Governor should order the Justices of the Supream Court to interpose in this Affair, such Order would be contrary to Law, and an Attempt to invade the Rights of the Corporation granted by the said Charter.

The Board then took into Consideration the City Charter & Law for establishing Courts of Judicature, and after deliberation & debate thereon, the Governor demanded their Opinions severally, And the Unanimous Opinion of the Board is, That the Governor cannot legally and ought not to interpose his Authority to remove the Cognizance of the Riot aforesaid from before the City Magistrates, as by the prayer of the Address aforesaid is desired.

Whereupon the Governor sent the House the following Answer to their Address, Viz^{t}:

"Gentlemen—

"By the Charter granted by the first Proprietor to the City of Philada., the Mayor, Recorder, and Alderman of the said City are Justices of the Peace and Justices of Oyer & Terminer, and are impower'd to Act within the said City & Liberties thereof as fully and amply as any Justice or Justices' of the Peace of Oyer & Terminer can or may do within the said Province.

"And they, or any four or more of them, have power and Authority to hear and enquire into all and all Manner of Treasons, Murthers, Manslaughters, and all manner of ffelonies and other Crimes and Offences, Capital & Criminal, whatsoever, according to

the Laws of this Province and of the Kingdom of England; with a power also to *Hear & Determine* all petty Larcenies, *Routs, Riots, & unlawful Assemblies;* and to try & *Punish* all persons that shall be Convicted for Drunkenness, Swearing, Scolding, *Breaking the Peace,* or such like offences which are by the Laws of this Province to be punished by ffine, Imprisonment, or Whipping, &t.

"The Law likewise by which the Supream Court is Established, has provided that nothing therein contained shall deprive or abridge the Mayor, Recorder, and Alderman of the City of Philada. of any powers or privileges, Jurisdictions or ffranchizes, granted them by Charter or the Laws of this Province.

"ffrom hence it appears to me that the Mayor's Court hath an uncontrolable power to proceed on the Tryal of the persons accused of the Riotous Assault made on the Inhabitants at the late Election; and the Council, with whom I advised the next morning after my return from N. Castle, do unanimously concur with me in Opinion, that the taking upon myself a Power to recommend or direct what Courts shall or shall not take Cognizance of this or any other *Cause,* may not only be of bad Example to succeeding Governours, but be of the most dangerous Consequence to the Liberties of the People; and I am perswaded that when you have Coolly reconsider'd the Matter you will be of the same Opinion.

"GEO. THOMAS.

"Nov. 6th, 1742."

At a Council held at Philada., Nov^{r} 20th, 1742,

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieuten^{t} Governor.

Samuel Hasell, Ralph Assheton, } Esqrs.
William Till, Abraham Taylor, }

The Governor laid before the Board a Petition he had lately received from Titami, Capt^{n} John, and sundry other Delaware Indians, setting forth that having embraced the Christian Religion and attained some small Degree of Knowledge therein, they are desirous of living under the same Laws with the English, and praying that some place might be allotted them where they may live in the Enjoyment of the same Religion & Laws with them.

Titami & Capt^{n} John attending were called in, and being interrogated by the Governor concerning their Knowledge of Christianity, it appeared they had very little if any at all. Being then asked if they understood the Scope and Purport of their own Petition, and whether they had not been made acquainted with what had past at the Grand Treaty with the Six Nations in summer last, It appeared that their purpose was to evade the force of the Injunctions laid on

them at the said Treaty by the Chiefs of the Six Nations, who had commanded all the Delaware Indians without Exception to remove from the Lands on Delaware where they then dwelt, and which their Ancestors had twice sold to the Proprietors, back to Wyomin or Shamokin.

The Governor then Order'd Canassatego, the Onondago Chief's Speech to the Delaware Indians at that Treaty to be read to them; And being asked if they understood it, they said Yes, but that they had not been truly informed of it before by the Delawares that were present.

The Governor then told them they now saw what Inconveniences they were reduced to by the ill Behaviour of the Delawares; they acknowledged it, and express'd their Concern at the Conduct of their Countrymen.

Titami represented that he was lawfully possessed of three hundred Acres of Land by a Grant from the Proprietor; and that he was desirous of continuing to live there in Peace and ffriendship with the English.

Capt^n John declared that tho' he had no Land of his own as Yet, he intended to buy some if he might be allowed to remain amongst the English.

They were then order'd to withdraw; And

The Board taking this matter into Consideration, are of Opinion that it is by no means fit to comply with the general Pray'r of the said Petition, for that it might not only be resented by the six Nations, but be a means of reviving the Dissentions lately fomented by the Delawares;

But if these two men could obtain the Consent of the six Nations for them to remain amongst the English, it might be granted them.

The Indians were then again called in, and the Governor, with the Concurrence of the Board, gave them for Answer:

That in Consideration of his having some Knowledge of them, and of their good Behaviour towards the English, he would agree, provided they could obtain the Consent of the Chiefs of the six Nations, that they two should be suffered to remain in the neighbourhood of the English, but that Capt^n John must remove from the Land where he now dwells, that being the Property of Persons who bought it from the Proprietors; And they were to understand that the other Petitioners were by no means to be included in this Permission, nor any other of the Delaware Indians, whom they called their Cousins, nor any besides themselves and their proper families dwelling in the same Houses with them; And this the Governor frequently repeated to them that they might not pretend Misapprehensions, and with this Answer they were dismist.

At a Council held at Philada., Jan^{ry} 3d, 1742–3.

PRESENT:

The Honbl GEORGE THOMAS, Esq^{r} Lieut^{t} Governor.

Thomas Laurence,	Samuel Hasell,	Esqrs.
Ralph Assheton	William Till,	
Abraham Taylor,	Robert Strettell,	

The Minutes of the preceeding Council were read and approved.

The Governor then laid before the Board four several Bills from the Assembly, Viz^{t}:

"An Act for continuing and amending an Act of Assembly Entituled 'A Supplement to the Act for Electing Members of Assembly.'"

"An Act for the more Easy and Speedy recovery of small Debts."

"An Act for naturallizing such foreign Protestants as are settled or shall Settle in this Province who not being of the People called Quakers do conscientiously refuse the taking of any Oath;" &

"An Act for the Relief of the Heirs, Devisees, and Assigns of Persons, born out of the King's Liegance, who have been owners of Lands in this Province and have died unnaturalized."

All which were read the first Time.

At a Council held at Philada., Jan^{ry} 11th, 1742–3.

PRESENT.

The Honourable GEORGE THOMAS, Esq^{r} Lieut^{t} Governor.

Samuel Preston,	Clement Plumsted,	Esqrs.
Samuel Hasell,	William Till,	
Robert Strettell,		

The Minutes of the preceeding Council being read and approved,

The Governor acquainted the Board that he had lately received a Message from the Assembly, desiring to be informed what Progress he had made in the Bills now before him, And that he had thereupon thought fit to send them the following Message, viz^{t}:

"The Governor to the Gentlemen of the Assembly.

"Gentlemen:

"It is now more than two Years since any Provision has been made by the Assemblys of the Province for the support of Government, tho' my Publick Character has been maintained Partly at the Expence of my Private ffortune.

"As I am not Conscious of the least failure in my Duty to his Majesty or to the Honble the Proprietaries, and shall be at all Times

willing to give the Amplest Proofs of my regard for the Peace and Prosperity of the People You represent, I promise my self that You, on your parts, will Act so as to deserve the Name which the Hopes of all good Men have designed You, Of the Healing Assembly.

"GEO. THOMAS.

"Jan^{y} 8th, 1742–3."

Then was read a second Time the Bill Entituled

"An Act for continuing and amending an Act of Assembly, Entitled 'A Supplement to the Act for Electing Members of Assembly.'"

On which no Observations were made.

Also, was read the Bill for the more easy and speedy recovery of small Debts, which is Committed to Mr. Plumsted and Mr. Hasell for Amendments.

Respecting the Bills entitled

"An Act for Naturalizing such foreign Protestants as are settled or shall settle in this Province who not being of the People called Quakers do conscientiously refuse the taking of any Oath; And

"An Act for the Relief of the Heirs, Devisees, and Assigns of Persons born out of the King's Liegance, who have been Owners of Land in this Province, & have died Unnaturalized."

The Governor proposed the following Message to be sent to the Assembly, which being Approved was sent Accordingly.

"Gentlemen:

"As the Bill entitled an Act for the Relief of the Heirs, Devisees, and Assigns of Persons born out of the King's Liegance, &t., seems to me to affect the Rights of the Honble the Proprietors, I think my self obliged in Duty and Justice to make them acquainted with it, and shall therefore decline any Observations of my own upon it until I receive theirs; since they have not taken any Advantage hitherto of the Heirs of such fforeigners as have bona fide purchased and paid for Lands and have died unnaturalized, future severities are the less to be apprehended from them.

"Upon a Review of the King's attorney and sollicitor Generals' Report on a Supplementary Act prescribing the forms of Declaration of fidelity, &t., passed since my coming to the Government, and his Majestie's Disallowance of it, I am of Opinion that a Naturalization Bill in the Method Usual here, or a Bill with a particular designation of all the Religious Societies of fforeigners that conscientiously refuse the taking any Oath, will be more likely to receive the Royal Approbation than the Bill now before me, as either of them will be less dangerous to Society in General, and be more Conformable to the British Acts of Parliament.

"GEO. THOMAS.

"Jan^{y} 12th, 1742–3."

At a Council held at Philada., Jan^{y} 14th, 1842–3.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieuten^{t} Governor.

Thomas Laurence, William Till, } Esqrs.
Abraham Taylor, Robert Strettell, }

The Minutes of the preceeding Council being read, the Governor laid before the Board a Message he had received from the Assembly in Answer to his of the 8th Instant, which is in these Words, Vizt.:

A Message to the Governor from the Assembly.

"May it please the Governor:

"As we are sincerely disposed to cultivate a good Understanding with our Governor, and have the Interest of our Constituents much at Heart, the Declaration he is pleased to make, 'that he shall be at all Times willing to give the amplest proofs of his regard for the peace and Prosperity of the People we represent,' is very acceptable to Us, and encourages Us to hope that the Bills which now lye before him, and such others as shall be thought necessary for the publick Good, will not fail of his ready Concurrence; And we on our Part do Assure the Governor that we are of the Opinion that Government should be honourably maintained; And whenever he shall be pleased to give his Assent to those Bills we shall cheerfully make such Provision for his Support as may demonstrate our sincerity and the desires we have of becoming 'the Healing Assembly.'"

"Signed by order of the House.

"JOHN KINSEY, Speaker.

"11th Mon. 11, 1742."

The Governer then acquainted the Board that two Members of Assembly, by Order of the House, had yesterday waited on him with a Copy of a Resolve and Order as follows:

"In Assembly, 11 Mon. 13, 1742, A. M.

"The House resuming the Consideration of the Bill entitled An Act for naturalizing such foreign Protestants as are settled or shall settle in this Province, who not being of the people called Quakers, do conscientiously refuse the taking any Oath, and the Amendment proposed to the same,

"Resolved,

"That Owen Evans & Samuel Levis wait on the Governor with the said Bill, and Acquaint him that as the Indulgence granted by the Act for Advancement of Justice (approved of in England) to those who Conscientiously scruple an Oath is General, the House are of Opinion that the Bill in the Terms it is now conceived will best answer the purposes intended; And, therefore, they hope the

Governor will give his Assent to the Bill as it is now form'd; Nevertheless, that if the Governor shall persist in his Sentiments that the Names of the several Religious societys ought to be inserted rather than the Bill should Miscarry, the House are willing to agree to the Amendm^{t} proposed.

"It is also Order'd, That the same Members acquaint the Governor that the House are desirous of being informed what progress is made in the other Bills which lye before him.

"Copy from the Minutes.

"B. FFRANKLIN, Cl:"

"Whereupon the Bill for naturalizing such foreign Protestants, &t., who conscientiously refused the taking any Oath, was read the third Time, and immediately sent to the House by the Governor, with the Concurrence of the Board, together with a Verbal Message as follows:

"The Governor commands me to acquaint the House that the Act for the Advancement of Justice had been under his Consideration before he proposed the Amendment to the Bill for naturallizing foreign Protestants, &t., & had Observed that the Indulgence is general; Yet he was and is of Opinion that the inserting the names of religious Societies of fforeigners will render the Bill less like to Objection in England, as it will be more Conformable to the British Acts of Parliament. Should the House, however, continue to think otherwise, he is willing to wave the Amendment rather than the Bill should be postpon'd for such a length of Time, as it may require to inform himself of the several Religious Societies of fforeigners that Conscientiously refuse to take an Oath.

"Then was read the third Time the Bill for continuing and amending an Act of Assembly entitled a Supplement to the Act for Electing Members of Assembly; And also the Bill for the more easy & speedy recovery of small Debts.

"And it is agreed by the Board that the Governor send the said Bills as they are to the House, when he shall see Proper."

At a Council held at Philada., Jan^{ry} 24th, 1742–3.

PRESENT:

The Honble GEORGE THOMAS, Esq., Lieutenant Governor.

Clement Plumsted, Thomas Laurence, } Esqrs.
Samuel Hasell, Robert Strettell, }

The Minutes of the preceeding Council were Read and approved.

Then four several Bills from the Assembly intitled as follows, Vis^{t}:

"An Act for vesting the Province Island and the Buildings

thereon erected in Trustees for providing an Hospital for such sick Passengers as shall be imported into this Province, and to prevent the spreading of infectious Distempers."

"An Act for the better securing the Peace at Elections of Representatives to serve in the General Assembly of this Province."

"An Act for the more easy recovery of Legacys within this Province;" And

"An Act imposing a Duty on Persons Convicted of henious Crimes brought into this Province and not warranted by the Laws of Great Britain, and to prevent poor and impotent Persons being imported into the Province of Pensilvania,"

Were read the first Time.

At a Council held at Philada., Jan^{y} 24th, 1742–3, P. M.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieut^{t} Governor.

Samuel Preston, Clement Plumsted, William Till, Samuel Hasell, Robert Strettell, Abraham Taylor, } Esqrs.

The Governor acquainted the Board that he had this Day received Information from one Thomas Mcghee, an Indian Trader, of a Skirmish which had lately happened in Virginia between some of the Inhabitants there and a party of Indians of the six Nations, and of some Passages and Transactions consequent thereupon; that he had directed the said Mcghee to cause his Knowledge thereof to be committed to writing, and that he should attend the Council therewith as at this Time.

Accordingly the said Thomas Mcghee came, and the Information he had to give being drawn up in form of an Affidavit, the same was distinctly read to him, and he made Oath to the truth thereof and signed the same.

Which Affidavit is as follows, Viz^{t}:

Pennsylvania ss.

The Deposition of Thomas McKee of Lancaster County, in the Province of Pennsylvania, Trader, taken this 24th Day of January, in the Year of our Lord, 1742–3, Before the Honourable George Thomas, Esqr., Lieut^{t} Governor and Commander-in-Chief of the said Province, &t., *Who, upon his Oath, Saith:* that he, this Deponent, being concerned in the Indian Trade, has a Store settled at an Indian Town on the South Branch of Sasquehanna River near an Island called the Bigg Island, inhabited by the Shawna Indians, And that on the 12th or 13th of this Instant, January, about seven

o'Clock in the Morning, the Indians of the Town came to this Deponent's Store and told him they had heard the Dead Hollow, & were much surprized at it, And soon after the same Hollow, as from the Bigg Island, was repeated in the hearing of this Deponent; Whereupon he, this Deponent, with a Servant of his took a Canoe and went over to the Island, And in his Passage heard the Indians belonging to the Town call over to those on the Island and ask them what was the Matter, to which they answered that the White Men had kill'd some of their Men; And on this Deponent coming to them on the Island, He saluted them according to the usual Way, saying How do you do my ffriends? At which they shook their Heads and made no Answer, But went over to the Shawna's Town; And this Deponent further Saith, that there were ten in Number of those Indians, and that they belong'd to the five Nations, And on their Coming to Town, imediately a Council was called, and this Deponent attended at the Council house and was admitted, And on opening the Council, The Chiefs of those ten Indians made a Speech to the Shawnas of the Town, Wherein he acquainted them that a Party of Indians of the five Nations, to the number of thirty (of which these ten were a part), sometime last ffall came down Sasquehannah in their Canoes to John Harris's, and from thence proposed to Travel thro' Pennsylvania and the back parts of Maryland and Virginia against some Southern Indians, And that they applyed to John Hogg, Esq., one of the Magistrates of Lancaster County, for a Pass for their safe travelling thro' the Inhabited parts of Pennsylvania, which they obtain'd, but were told by him at the same Time that it would be no protection for 'em out of this Province, And that the back Inhabitants of Virginia might perhaps Use them ill if they travelled that Way, as there was no good Understanding between them; That after they had obtained this pass they pursued their Journey, behaving themselves Civilly & meeting with no Interruption or ill Usage from the White people till they came to Shanandore River, in Virginia, where having made a ffire and lodged at a small Distance from a white Man's House, the next Morning three of their Young Men went towards the House, and two of them only went in, where they found three or four white Men, who imediately seized the two Indians and attempted to bind them; On which the third Indian went into their Assistance with a large ffrench Knife, And thereupon the White Men let the Indians go for that Time, But soon after pursued them towards their ffire place, And sent off a Man towards the thicker Settlements, as the Indians supposed to give Notice to the people and raise a great Number to pursue them, which put the Indians on hastily putting up their Bundles and Marching off; That they travelled a good Distance to another Plantation, and found they were pursued by the white people, They therefore Stopp'd at the Plantation, and call'd at the House, where they found a great Number of Men, who invited them into the House, and desired them to leave their Arms without, which some of the Indians comply'd with, But the most Cautious stay'd without,

suspecting the Designs of the white People, And were uneasy till they got those who were in the House out to 'em again, and pursued their Journey, which they did the remaining part of that Day; And that Early the next Morning, as they were tying up their Bundles in Order to proceed on their Journey, they heard a great Noise of Horses in the Woods coming toward them, and soon discovered a great Number of White Men on Horseback with ffire Arms & Colours fflying; On which appearance their Captain order'd them not to fire till they should see what the White Men would do, And that as the White Men came within shot they fir'd at the Indians and killed a Boy who was in the Rear. Then the Captain Order'd them to lay down their Bundles and turn about and fire, which they did accordingly, and some of the white Men dropp'd, particularly the Man who carry'd the Colours; that then they engaged pretty close, insomuch that they did some Execution with their Tomhawks, and after a Sharp Engagement worsted the white Men, and they retreated, having lost ten Men, and the Indians only four besides their wounded; that the Indians carry'd off their Dead & wounded Men a small Distance and made a fire and gave their wounded such Physick as was most suitable, and the next Day went to the place where they had been engaged and found the Dead Bodies of the white Men and their Provisions strew'd upon the Ground, and their Horses grazing by them, and that they stripp'd the Dead Bodies and left them. That after this, upon a Consultation, these Ten Indians were dispatched to the five Nations to give them an Account of the Usage they had met with, and to take Directions for their future Behaviour, with Orders that as there were different Sorts of white People, If they should meet any on the Road they should not meddle with them, least they should by mistake kill any of those who were in friendship with them. And further, that after these Indians were dispatch'd to the five Nations they were pursued by the white People to Patowmeck River, and were obliged to take the River and narrowly escaped them; That when they cross'd the Allegany Path they observed the Tracts of Horses lately gone up that Way, but concluding they belonged to the Pennsylvania Traders they would not pursue them, or in Words to that Effect.

And this Deponent further saith, that this Speech was deliver'd in the Mingo Language and interpreted to him in the Shawna, which he well understands; And that when he, this Deponent, fully understood what had been thus delivered, He addressed himself to the Speaker in the following Manner: "My ffriend, the Disorders that have happen'd are no ways owing to the People of Pennsylvania. We have always endeavoured to cultivate a good understanding with you, and inviolably observe our Treaties, and are not answerable for what the People of another Province may imprudently do. I therefore hope that you will observe your Treaty of Peace with Pennsylvania and suffer me to remain Safe among You."

Whereupon, one of the Shawna's observed that the white People are all of one Colour and as one Body, and in Case of Warr would Assist one another; That one of the Shawna's asking the Warriors if they had met this Deponent's Men who had been sent out to Chiniotta for Skins, was answer'd by another Shawna Indian that it could not be so, for if they had met them they would have cut them off; That on hearing these Discourses, this Deponent rose up and called out an old Shawna Indian with whom he was best acquainted and took him to his Store, made him a present of two or three twists of Tobacco and desired him to press to the Indians in Council their Treaty of Peace with Pennsylvania, and the ill-Consequences of breaking it in Cutting him off, As this Deponent apprehended he had great reason to fear they intended; That some short Time after, the same Indian call'd this Deponent from his Store and told him that he had offer'd in Council what he had requested, and it was approv'd tho' it seem'd disagreeable to some of the Shawna's; And in a short Time after, this Deponent was inform'd by a white Woman who had been taken Prisoner by the Indians in their Carolina Warr's, That it was left to the Shawna's to deal with him As they pleased, And that they were gone to hold a Council concerning him at some distance from the Town for privacy, And that if he did not make his Escape he would certainly be cut off; Upon which last Information, together with the Observations he had made of their Behaviour, he thought it not safe to trust his Life in their Hands; and notwithstanding a considerable Quantity of Goods which he had carry'd up there to Trade, He determined to withdraw and leave his Effects among them, and accordingly Communicated his designs to his Man, and they came off privately, travelling by Night & Day thro' the uninhabited parts of the Countrey, till they apprehended themselves to be out of Danger, being out three Days & three Nights; And further this Deponent Saith not.

THOMAS McKEE.

Taken & Sworn at Philada. the Day & Year above.

And the further Consideration of this Matter is refer'd till to-Morrow Morning 10 a'Clock, at which time the Council is to meet.

At a Council held at Philada., Jan^{y} 25th, 1742–3.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieuten^{t} Governor.

Clement Plumsted, Samuel Hasell, William Till, Robert Strettell, } Esqrs.
Ralph Assheton,
Abraham Taylor,

The Minutes of the preceeding council were read.

Then the Governor laid before the Board a Message he had pre-

pared to be sent to the Assembly, relating to the Information given by Thomas McKee, which being approved, is order'd to be transcrib'd and sent to the House, & is as follows:

"Gentlemen—

"As the safety of our back Inhabitants in particular, & the quiet of the Province in general, may be affected by the late unhappy Action between some of the Inhabitants of the upper part of Virginia and a Party of Indians of the Six Nations, I think it highly Proper as you are now sitting to lay the Matter so far as it had yet come to my Knowledge before you, and I have therefore order'd my Secretary to deliver to you a Copy of Thomas Mc'Kee's Deposition taken Yesterday in council. I cannot learn that in the March of these Indians through our Settlements they offer'd any violence, from whence and from their long approved ffaith in Treaties I am the less apprehensive of their intending any thing in Violation of that held here the last Summer. But of the Shawna's I am far from entertaining the same favourable Sentiments (although they likewise have received considerable presents from us, & are bound to us in a League of ffriendship) as they are known to have a Strong attachment to the ffrench, to be a perfidious people, and to have render'd themselves justly to be suspected by their Behaviour in many Instances, as well as in the present with regard to M'Kee.

"To prevent the flame from spreading Wider, I proposed to dispatch a Messenger to Conrad Weiser, the Province Interpreter, with Directions to proceed forthwith to Shamokin, and there to take the most proper Measures for giving the Indians of the six Nations, and all others in Alliance with Us, the Strongest Assurances, in my Name, of the continuance of our ffriendship so long as they shall maintain it on their Parts, tho' I confess it will be a very nice Affair should they, in the prosecution of their Revenge, attempt to pass thro' the inhabited Parts of this Province to make War on our fellow-Subjects of Virginia. I doubt not of your giving the proper Orders to the Treasurer for defraying what Expences shall be incur'd on this occasion.

"As I am likewise inform'd that this accident had render'd the Inhabitants on the other side of Sasquehannah extremely uneasy, & Jealous of all Indians, I shall endeavour to quiet their Mind, and forbid them offering Violence to any unless it shall become absolutely necessary in their own Defence.

"January 25th, 1742–3."

Then was read a second Time the Bill for the better securing the Peace at Elections, &c. Whereunto sundry Amendments were proposed and agreed to, and Ordered to be sent to the House with the Bill.

The Bill for vesting the Province Island in Trustees, &c., was

read the second Time, and sundry amendm^ts proposed thereto, and the Bill is committed to Mr. Plumsted for further Amendment.

The Bill for the more Easy recovery of Legacys, &t., was also read the second Time, and one Amendment being made thereto, was committed to Mr. Assheton for further Amendment.

At a Council held at Philada., Janry. 26, 1742–3.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieutenant Governor.

Clement Plumsted, Ralph Assheton,
William Till, Abraham Taylor, } Esqrs.
Robert Strettell,

Mr. Plumsted, in pursuance of the Directions of Yesterday, Reported sundry Amendments to the Bill for vesting the Province Island in Trustees, &t.

Mr. Assheton, in pursuance of the Directions of Yesterday, Reported one Amendment to the Bill for the more easy recovery of Legacys. Which was approved of.

Sundry Amendments were proposed to the Bill for imposing a Duty on Persons convicted of heinous Crimes brought into this Province, &t., and agreed to, and order'd to be transcribed in Order to be sent to the House with the Bill.

The Governor then laid before the Board a Draught of a Letter he had made to be sent Conrad Weiser, touching our present Circumstances with the Indians of the six Nations, in these Words, Vi^t:

" Philad^a Jan^y 26th, 1742–3.

" Mr. Weiser:—

" I hoped that our last Treaty with the six Nations would have made Us easy for some Time to come as to all Indian Affairs, but you will see by the inclosed Deposition, made before me in Council by Thomas M'Kee, that if things are not prudently managed we may chance to be involved in the Consequences of their resentment against the People of Virginia. McKee's Account is the Indian side of the Story, who have no doubt been Artful enough to make their own Cause as good as they could; but some White People lately come down from Lancaster, & who say they had it from some that live near the Place where the Action happen'd, tell Us that altho' the Indians behaved very peaceably in their Journey through Pennsylvania, so soon as they got into Virginia they fell to killing the Inhabitants' Cattle & Hogs, and Shot one Man's Mare, and by that Means were themselves the Occasion of the Misfortune which follow'd. They add further, that the Virginia Cap^t upon his Ap-

proach to the Indians hung out a White flag, in order to a Parley with them, but they fir'd & kill'd him & some of his Men before one Shot was fir'd by his party. I shall not take upon me to determine which of the Accounts is the truest, but as I have received a short Letter from Shickcallamy's Son, desiring my Advice in the Case, and it is my Duty not only to preserve peace in my own Government, but to be the Instrument, as far as lyes in my power, of restore[ing] it to any other of his Majestie's Subjects, I desire that you will forthwith proceed to Shamokin, and there Concert Measures with Shick Calamy to inform the six Nations, the Shawnees, and all the Indians that are in Alliance with Us, that we shall continue to be faithful to our Treatys with them so long as they observe them on their parts, that we are extremely sorry for the Accident that has happen'd, that we wish the six Nations would rather endeavour to accomodate the Matter with the Governor of Virginia in an Amicable Way than make the breach wider by having recourse to Arms, and that I shall be glad to contribute all I can to bring it about. These are my Sentiments; but as you are well acquainted with Indian affairs in General, and are now as fully informed of this particular as I am, I leave it to your own Judgement how far it may be proper for You as our Agent to proceed in it. I think it not improper to observe to you, by the by, that it will be a very nice affair should the Indians attempt to pass through any of the inhabited parts of this Province to make War upon our fellow Subjects in Virginia. They will expect provisions, &t., as usual from the Inhabitants, and if they are denied them, which it will be the Duty of every Man in that Case to do, it is not improbable but they may resent it in their usual Barbarous manner, and force Us into the War too. I wish it were safe to forbid them from passing through our Settlements in any of their Wars to the Southward. What is the Reason the Six Nations have not returned an Answer to the Maryland Invitation to a Treaty? It does not look well. I do not doubt but our back Inhabitants are very much alarmed at the late unhappy Skirmish in Virginia, and I am not without Apprehensions of their falling upon some of the Indians as they did once before; but it will be very much in your power to quiet their Minds by informing them of our late Treaty with the six Nations, and that there is not the least reason to apprehend any Injury from them or any other Indians at this Time.

"I think I need not say any thing more to you who know so much, but that I will do all I can to procure you an handsome Reward for the Trouble and fatigue you must necessarily undergo in the prosecution of this Matter at this Bad Season of the Year.

"I am Your very sincere ffriend & well Wisher.

"P. S. Since I wrote the foregoing I have received an Answer to a Message I sent to the Assembly which is now sitting on the Occasion, and they not only agree to what I proposed, Of giving

Assurances to all the Indians of our maintaining our ffriendship with them, and the Offer of my Mediation to them, but desire likewise y' I will make the same Offer to the Governor of Virginia; they give me assurance also of defraying all the Expences that shall be ncurred on this Occasion."

Which was approved of by the Board.

Then was read a Message from the Assembly to the Governor in Answer to his of Yesterday, as follows:

A Message to the Governor from the Assembly.

"May it please the Governor:

"As it has ever been the Care of this Government to cultivate a good understanding with the Indians in general, and particularly with the six Nations, 'the late unhappy Action between some of he Inhabitants of the upper part of Virginia and a party of those Nations,' gives us just Cause of Concern.

"We highly approve of the Measures the Governor is pleased to nform us he proposes to take 'to prevent the fflame from spreading rider by dispatching a Messenger to Conrad Weiser, the province nterpreter, with Directions to proceed forthwith to Shamokin, and here to take the most proper measures for giving the Indians of the ix Nations and all others in alliance with us the strongest Assuances in his Name of the Continuance of our ffriendship;' And if he Governor will also be pleased by the same Messenger to propose o them his good Offices to Mediate and obtain a reconciliation beore any violent Methods are taken, it may prevent future Bloodhed, and divert those sudden Resolutions which on the first Hearing f this unhappy Affair they may have been prompted to take.

"We would further offer it to the Governor's Consideration whether it may not also be fit to transmit to the Goverment of Virginia an Account of the manner in which the Indians represent this Action, to Point out to them the necessity of an Enquiry therein, hat Justice may be done, and the ill Consequences which otherwise ight happen to the back parts of most of the British Colonies in merica be prevented.

"Whatever Sums of Money shall become necessary to expend to hese good purposes we shall cheerfully pay, and give the proper rders to the Treasurer to this End.

"It is not to be doubted but that this Accident may have given ome uneasiness to the Inhabitants on the other Side of Susquehanah, but the prudent Steps the Governor is determined to take on his Occasion will we hope have the proper Effect, and restore them o the Quiet they formerly enjoy'd.

"Signed by Order of the House,

"JOHN KINSEY, Speaker.

"11th Month, 26, 1742."

At a Council held at Philada, ffeb^{ry} 3d, 1742–3.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieutenant Governour.

Clement Plumsted, Ralph Assheton, Esqrs.
William Till, Abraham Taylor, Esqrs.
Robert Strettell,

The Governor acquainted the Board that he had received a Message from the Assembly, desiring to know when they should attend him in Order to present the Bills now ready, and that he had appointed this Day at 12 o'Clock.

Accordingly the House, with their Speaker, came up, and presented the following Bills entituled, Vix^{t}:

1st. "An Act imposing a Duty on persons convicted of heinous Crimes brought into this Province & not warranted by the Laws of Great Britain, and to prevent poor and impotent Persons being imported into the same."

2. "An Act for continuing and amending an Act of Assembly entituled 'a Supplement to the Act for Electing Members of Assembly.'"

3. "An Act for the more easy and Speedy recovery of small Debts."

4. "An Act for vesting the Province Island and the Buildings thereon erected and to be erected, for providing an Hospital for such sick Passengers as shall be imported into this Province, and to prevent the spreading of infectious Distempers."

5. "An Act for the more easy recovery of Legacys within this Province;" and

6. "An Act for naturallizing such foreign Protestants as are settled or shall settle in this Province, who, not being of the People called Quakers, do conscientiously refuse the taking of any Oath."

All which the Governor passed into Laws, and appointed William Till and Robert Strettell, Esq^{rs} A Committee, in Conjunction with a Committee of the Assembly, to see the Great Seal affixed to the same.

The Speaker then delivered to the Governor two Orders of the Assembly, the one upon the Trustees of the Loan Office for £500, and the other upon the Provincial Treasurer for £1,000.

Whereupon the Governor spoke to the Assembly in the following manner:

"I thank you Gentlemen for this Instance of your Regard, which I am the more pleased with as it gives an agreeable Prospect of future Harmony between me & the Representatives of the People;

But a good Understanding between the two Branches of the Legislature, is not alone what I aim at. It is my hearty Desire that all Party Animosities may be laid aside, that all Differences on this Account between one Man & another may Cease, and that all may Unite in promoting the true Interests of the Country."

Then the Assembly withdrew.

At a Council held at the Philadelphia, Febʳʸ 14, 1742–3.

PRESENT:

The Honble GEORGE THOMAS, Esqʳ, Lieut. Governor.

Samuel Preston, Samuel Hasell, William Till, Abraham Taylor, Robert Strettel, } Esqrs.

The Minutes of the preceeding Council being read and approv'd, the Governor inform'd the Board that Mr. Baird, finding him self in a declining State of Health, had desired Liberty to resign his Offices of Provincial Secretary and Clerk of the Council, which, as well as that of his private Secretary, he must do the Doctor the Justice to say he had discharged with strict Probity and greatly to his Satisfaction. And all the Members expressing the same Sentiments with Regard to Mr. Baird's Diligence and Exactness in the Discharge of his Duty, Mr. Baird return'd thanks to his Honour and the Board for their kind Acceptance of his Services, and deliver'd up the Governor the Lesser Seal of the Province, the Chancery Seal, and His Honour's Seal at Arms.

The Governor then signified to the Board his Inclination to appoint Mr. Richard Peters to succeed Mr. Baird in those Offices, if they had no Objection; and they unanimously approving of him, he was admitted, and received the Seals from the Governor, with Directions to prepare the Usual Bond for the just Performance of his Duty, that the same might be executed and he take the Qualifications the next Council. And Mr. Till and Mr. Strettel were appointed to see the Delivery of the Council Books and Papers, &ᶜᵃ, and that a List of them should be made out and interchangeably sign'd by the Late and Present Secretary in their Presence, to remain as a Record in the Secretary's Office.

At a Council held at Philadelphia, April 5th, 1743.

PRESENT:

The Honble GEORGE THOMAS, Esqʳ, Lieut. Governor.

Clement Plumsted, Samuel Hasell, Abraham Taylor, Robert Strettel, } Esqrs.

The Minutes of the preceeding Council being read and approved,

the present Secretary took the Oaths and delivered in a Bond to the Governor for the safe keeping of the Records, &c.

His Honour told the Council that as the Place of Chief Justice was Vacant by the Death of Mr. Langhorne, and it would be of very great Advantage to the Province that one of the Profession of the Law presided in the Supream Court, he had made an Offer of it to Mr. Kinsey, a gentleman well Known to them, and that as the Place of third Judge was likewise become Vacant by the Resignation of Mr. Thomas Griffitts, he had offer'd it to Mr. Till, who had been for many Years at the Head of the Supream Court of the Lower Counties, and both these Gentlemen having accepted, he would proceed to Commissionate them if they had no Objection.

The Board express'd great Satisfaction in what the Governor had done, and approving of these Gentlemen as every way Qualified, His Honour signed separate Commissions to Mr. Kinsey, Mr. Grœme, and Mr. Till, and likewise the usual Commission of Oyer and Terminer & General Goal Delivery directed to the three or any two of them.

The Governor then informed the Board that having wrote a Letter to the Governor of Virginia, agreeable to the Address of the House of Representatives, he had received an Answer thereto with two Depositions inclosed, wherein the Indians are said to have been the Occasion of the late Skirmish, and that he had likewise received a Letter from Conrad Weiser, who was returned from Shamokin with a particular detail of his Transactions there, whereby it appear'd that the Indians concerned in the Engagement had represented it to their Brethren at Shamokin in a Light very Different from the Depositions sent by Col. Gooch, and had actually charged the Virginians with being the Agressors, and firing upon them as they were beginning their March with their Bundles upon their Backs.

All which were Read, and the Secretary was order'd to lay them up amongst the Papers of his Office.

"Conrad Weiser's Report of his Journey to Shamokin, in Obedience to the Governor's Letter of the 26th Jan^{ry} last:

"On the 30th of January, 1742–3, in the Evening, I received the Governer's Order, together with the Deposition of Thomas McKee, and set out next Morning in Company with the said McKee for Shamokin, over Backstone, where we arrived on the first Day of ffebruary. That same Day the said McKee's two Men arrived with two Canoes loaden with Skins from Chiniotte. They inform'd us that they met ten Warriors who asked them for a little Provision, which they (the Indian Traders) gave them—The Indians being very civil to them, but told nothing of what had happen'd in Virginia. We were also informed by white People there, that four Shawono Indians had been there as Scouts, sent by the Shawonoes to get Intelligence what the white People were a doing. On the third Day of ffebruary we overtook the said Shawonoes about 25

les this side Shamokin at an Indian Trader's House, they ran o the House when they see Us come, And sat down in the same rner of the House where their Arms were; every one of them had utlass besides their Guns, and one of them, who was a Brother Cheekaqueton, had a Pistol. The Indian Trader's Wife told Us, ile we lighted from our Horses, that these Shawonese had ill De- ns and talk'd very unfriendly. I went into the House first & ok Hands with them; their Hands trembled, and none of them rdly looked to my face till I sat down and began to talk with m in the Mohawks' Language; they said they could not under- nd me; By that Time McKee and one John ——— (who was ased to accompany me to Shamokin from Backstone) came in. I ired them to tell the Shawonese that I was sent by the Governor Pensilvania with a Message both to the Indians at Shamokin and reabout as also to the six Nations, about the unhappy accident t happen'd lately in Virginia. They seemed to be well pleased h that. They never saw me before neither had I seen them be- e, but understood by my Companions, who could both talk Sha- no, that the oldest of them was Missemediqueety, a Captain of r, and a very noted Man among the Shawonese; the English call n the great Huminy; they accompanied us to Shamokin, where arrived that Day after sun Set; Shikellimo and Olumapies were y glad to see me. They informed Us that there were several dians at Shamokin from several Places waiting for me with News m the Governor of Pensilvania. I told them that next Day they uld hear the Message from the Governor. On the 4th they met Shikellimo's House about 25 Men, the noted persons beside Shi- limo were Saghsidowa, a Chief of the Tuscarora (who was present the Last Treaty in Philadelphia), Olumapies and Lapapeton of Delawares, the aforesaid Shawonese, with several more of the d Nation, and Andrew, the Son of Madam Montour, who served Interpreter to the Delawares; And because Shikellimo was urning for his Cousin killed by the Virginians lately, I directed Speech first to him, according to the Custom of the 6 Nations, d in Order to Comfort him, in behalf of the Governor told him:

"Brother Shikellimo, You have just Cause to Mourn for the Loss your Cousin killed in Virginia lately; I also am sensible of the evous Accident, but as the Public Welfare calls for Your aid at s Time, I have been sent to Comfort you and to wipe of the Tears m Your Eyes, and, in short, to put your Heart at Ease, for which rpose I present you with these two Shrowds.* Then I spoke to whole Company:

"Brethren: according to the Treaty betwixt the Government of nnsilvania and the 6 Nations, which has been renewed Last Sum-

NOTE—*Indians never meddle with Publick Affairs whilst they are in urning.*

mer, there is an Establis'd Road from Philadelphia to the 6 Nations, on which at any Time Conrad Weiser and Shikellimo may travel and carry Messages from one to the other; According to that Establishment I have sent Conrad Weiser to acquaint you with what follows:

(hereupon I laid down a String of Wampum.)

"Brethren: I my self and the People of Pennsilvania are sensible of the unhappy Accident that happened in Virginia betwixt the white People and Your Warriours. We mourn for it because not only the white People are our Brethren, and belong to the same great King on the other side of the great Lake, to whom we belong, but we also are become one People with the 6 Nations, of one Body, one Heart, and one Mind; I therefore desire that Imediately Shikellimo and one or two more may forthwith proceed to Onondago to acquaint the Council of the 6 Nations with the Steps taken by me since I heard first of the unhappy Accident. To press this upon You this String of Wampum is laid before You.

"Brethren: I have acquainted the Old and Wise Men in Pennsylvania, who are now sitting and holding Council, with what I heard by Thomas M'Kee, and informed them of every Particular, as the Ten warriours had told the Story to the Indians living on or near the Great Island. I had also heard some uncertain Stories before, but had received no Letter as Yet from the Governor of Virginia. The aforesaid Old and Wise Men desired me to become Mediator, and to use my Endeavours to bring both the Governor of Virginia and the six Nations to a better Understanding then they have been hitherto. I therefore earnestly require of you, my Brethren the six Nations, to have no recourse to Arms, but rather Accomodate the Matter with the Governor of Virginia in an Amicable Way. I have sent to the Governor of Virginia to acquaint him with what is agreed upon by me and my Council, And as the Governor of Maryland sent for You last fall to come to Anapolis in order to settle every thing about the Land, and the Governor of Virginia joined with him to accommodate all Old Quarrels with you about the Land, if possible, I am very sure that this unhappy accident will be accomodated then also, since it was done only by People of ill Conduct, and no ways by the Governor of Virginia's Order. I must put you in Mind of the Treaty of ffriendship subsisting between Us, and by Virtue of that I earnestly press upon you with this Belt of Wampum to accomodate the matter amicably. Here I laid down a large Belt of Wampum.

"Brethren: as that foresaid unhappy Accident gave some Disturbance to the Trade, and may give more if early Measures are not taken to prevent it, I desire You to return the Goods again which some of You, the Shawonese in particular, have taken from the Traders. I desire you will imediately send to every Place where the Traders of Pennsilvania are in their favour. It would be [illegible]

ting the Treaty of ffriendship if they should suffer by you; And if in case you do not like their Stages amongst you, send them home regular and unmolested. I laid down a String of Wampum. Dixi, I have no more to Say."

Olumapies, in behalf of the whole Company, made Answer and Said:

"Brother, the Governor of Pennsilvania: I long expected to see Conrad Weiser, your Messenger, with Your advice at this Dangerous Time, and I have now heard Your Speech to Us and do like it very well, and give you thanks for Your so Doing. I do not Doubt it will be taken well by the Council of the Six Nations.

"The string of Wampum concerning the Trade was delivered to the Shawonese; They took upon them to send imediately to the Great Island and Allegany in favour of the Traders.

"I had been informed before Council that Wapymagan, a Shawono Indian from Woyumoth, came to the Great Island and told the Shawonese there that, according to Caykawachykee's Order, they must open the Trader's Store and divide the Goods amongst themselves, which they did accordingly, and Robbed Thomas McKee's Store. Shikellimy after he heard that, sent his Son to the Great Island to get the Goods returned, since Cayhkawaychykees, the Shawono Chief, never gave such Order as Shikellimy was credibly informed.

"I sent a Strowd Match Coat to Cayhkawachykee by the foresaid four Shawonese, and let him know that I always remember what he said to me when I first paid him a Visit at his own fire at Woyumok, and that I hoped he would always be of the same Mind, as he lived about half Way from Philadelphia to the Six Nations, to take Care of the Chain of Friendship betwixt the six Nations and Pennsilvania, and never do nor suffer any of his People to do an injury to the said Chain of ffriendship, and always observe the good Counsel of the six Nations and the Governor of Pennsylvania.

"Next Day Olumapies held a Council of Delawares; he sent for me and Shikellimo and Saghsidowa. He told Us in Council that he had no Wampam, and they were very dear, so that he could not do as he would have done if he had been able; Yet he sends that String of Wampam (which he then hath in his Hand) jointly with his Brother, the Governor, to Onondago, to assist him like or as a token of his Approbation.

"I had made Olumapis a present before of a Strowd Match Coat from the Governor, and told him that as he had been always a good friend and observer of Treaties, the Governor sent this to him to cover his old Body.

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Council was Summoned, and attend it and not come away without a full answer both to this Affair and the Message of the Governor of Maryland sent to them last ffall.

"The following is the Narrative of one who calls Shikellimo his Grandfather. He was present in the Engagement in Virginia, and was strictly examined by Shikellimo and exhorted to tell the Truth. Shikellimo and Sagsidowa told me that I might assure their Brother the Governor that it was the Truth of the Story as follows:

"The Young Man told Shikellimo his Grandfather, that when they (22 Onondagoe Indians and 7 Oneidoes) got over Potomack River no body would give them a mouthful of Victuals. They wanted to go to some Justice to have their Pass renewed, but could find none. They travell'd along in great want of Victuals. There was no more Deer to be killed, and they had been Starved to Death if they not killed a Hog now and then, which they did at Jonontore. On the other side of the said Hills they laid down their Bundles and sent three of them to look for the Road they must go. These three Men were met by two White Men, who asked them many Questions till a third Person of the white came up, then they all at once took hold of the Indians' Guns, but the Indians would not let them go out their Hands. One of the Indians took out his Knife and threatned to Stabb the white Men, upon which they let go the Guns and went their Way, and the Indians returned to their Company and told what had happen'd to them. The Indian Captain Onodagoe told them that it was some foolish People, only not worth while to be taken notice of. They laid there that Night. Next Day they met with no Interruption. But on the following Day after this, One white Man came up with them, soon after another with a Hay ffork, and so more and more, till by and by, their Number increased to about Ten. They stopped every now and then, when one of the Indians went on one side of the Road to make Water, and told the Indians to make hast and come along. Some while after they came to a big House, the Indians observed a great Number of People in the House; they were invited to come in, the main Body staid out some Distance from the House. Some of the oldest went in, but more & more white People gathering, the Indians without Door called to their ffriends to come away. The white People would not permit them to go, but sent out a Captain, with a Sword on his side, to bring the others in, which they refused. In the Mean time, those that were in the House thought proper to show their Pass which they obtained in Pennsylvania, but the white Men told them they must not go any farther; upon which the Indians went out of the House; the man with the Sword endeavoured to Stop them by force and drew his Sword; when the others saw the naked Sword they made a field Cry and took up their Arms in order to defend themselves, but were Commanded by their Captain to be quiet till they were hurt, and to let the white People begin."

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"I left Shamokin the 6th ffebruary, & came the same Way back again, where I arrived the 9th at Night.

"CONRAD WEISER."

At a Council held at Philadelphia, April 22d, 1743.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

Samuel Preston,	Samuel Hasell,	} Esqrs.
Ralph Assheton,	William Till,	
Abraham Taylor,	Robert Strettell,	

The Speaker of the Assembly and several Magistrates.

The Governor inform'd the Board that Col. Gooch, in a Letter of the 8th ffeb^{y} had accepted his Mediation, and express'd a hearty inclination to make up the matter of the Late Skirmish in an Amicable Way, & that thereupon he had dispatched Conrad Weiser a second time to Shamokin, who return'd last Night and was waiting at the Council Door along with Shikellimo & Sachsidowa, who were charg'd with a Message to the Government; Whereupon they were called in, and Conrad deliver'd a Journal of what he had done in the Affairs of Virginia & Maryland, which was read by the Secretary.

The Report of Conrad Weiser, the Indian Interpreter, of his second Journey to Shamokin on the Affairs of Virginia & Maryland, delivered to the Governor in Council the twenty-first Day of April, 1743:

"The 9th of April, 1743, I arrived at Shamokin by order of the Governor of Pennsylvania, to acquaint the neighboring Indians and those on Wyomink that the Governor of Virginia was well pleased with his Mediation, & was willing to come to an Agreement with the six Nations about the Land his People were settled upon, if it was that they contended for, and to make up the Matter of the late unhappy Skirmish in an Amicable way.

"That same Day Shikellimo, (*a*) his Son, and Sachsidowa, who had been sent to the six Nations with an Offer of the Governor's

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mediation to them, returned from Onondago, and the next Day they in open Council deliver'd the following Message directing their Speech in behalf of the six Nations to the Governor of Pennsylvania, according to what was agreed upon by the Council of the said Indians in Onondago:

"'Brother (a) Onas:

"'At this Critical Time we received a kind Message from You, the result of the good friendship subsisting between You and us; ffor such Purposes a Road was cleared from our Country to yours, in which at any time Conrad Weiser & Shikellimo may travell. We open our Doors with Cheerfulness to your Messengers, and are glad to hear from You.'

"He laid down two Strings of Wampum.

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"'We thank You for the Concern you shew for the misfortune that befell our Warriours in Virginia. We take it as a Particular mark of ffriendship. We assure you that notwithstanding the unjust Treatment our Warriours met with in Virginia, we did not allow our Heads to be giddy nor to resent it as it deserved, which might have occasioned a Violation of Treaties and the destruction of many.'

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"'ffor when in former Times we received a deadly Blow, we never returned it if it was ever so dangerous; we always judg'd it to be given by disorderly people, and we used always peaceable means to make it up; but when received the second Blow we judg'd that War was intended against Us, and then we rose and knock'd down our Enemies with one Blow, and we are still able to do the same; but we leave now our Case to you. We have order'd our Warriours with the strongest Words to sit down and not to revenge themselves. Therefore, Brother Onas, go on with Courage in your Mediation. We assure You we will not violate or do anything contrary to your Mediation. We desire you and the Old and Wise Men of Pennsylvania not to believe anything to the Contrary, let it come from

(a). The Indian Name for the Governor of Pennsylvania.

not Doubt but you have been since very fully inform'd of them. Nothing now remains but to take the Hatchet out of their Heads—that is, I suppose, to send Commissioners to Albany to declare your Concern for the rashness of your remote Inhabitants, and at the same time to make them a present. This done, they will enter into a friendly Treaty with you about the Land when they Treat with the Governor of Maryland at Harris' ffery on Sasquehannah, which will be next Spring. Whatsoever measures you shall think fit to take, I am sure & Confident they will be the most prudent and equitable, but you will give me Leave to insist that as the six Nations have suspended their Resentment & have order'd their ffriends to lay aside their Arms at my request, you will be pleas'd to take the most effectual Measures on your part to prevent Hostilities from being exercised against them until you shall have signified your Resolutions to me. The Messenger is order'd to wait your own Time for an Answer, which I shall not fail to Transmit forthwith to Shamokin in Order to its being Convey'd to the Indian Council at Onondago. If it shall be thought that I can be further serviceable, you may use the Greatest freedom in laying Your Commands upon me as I am, &t."

Then the Secretary read Col. Gooch's Answer, which was likewise order'd to be transcribed into the Council Book, and is as follows:

"Sr:

"The Service you have done the Publick in Mediating so successfully for Virginia, and bringing the Indians, after our Late unhappy Skirmish, to a Sense of Humanity, is a very Sensible Pleasure to me. I laid your Letter before the Council, who beg you to accept their most grateful Acknowledgements, tho', as is commonly the Lot of good natur'd Men, at the same Time we thank You for what is past; We are the occasion of fresh Trouble, by pleading for the Continuance of your good Offices. A journey to Albany at this Season, to take the Hatchet out of their Heads, is a Concession we would willingly avoid, And therefore we request that You will be pleas'd to send your honest Interpreter once more to the Indian Chiefs, and if Possible prevail with them to accept through Your Hands a present from Us of £100 Sterl. value in such Goods as you think proper, as a token of our sincere Disposition to preserve Peace and friendship with them, And as an Earnest that we will not fail to send Comissioners next Spring, at the Time and to the place that shall be agreed upon, to treat with them concerning the Lands in Dispute. If what the six Nations insist upon be true, that we were the aggressors, the matter has been greatly misrepresented to me, and I should be much concerned. But since, by your kind interposition, the Cure for past injuries and the Preservative against future ones is applied, I shan't controvert the fact, and You may depend upon it no fresh Hostilities shall be Exercised against them. Had I known of the good Understanding, and how firmly the ffriendship between Your Province and

the Indians is establish'd, I should not have Troubled the Governor of New York on this Subject.

"I am very sincerely and with much respect,

"S^r. Your most Obedient Humble Serv^t.

"WILLIAM GOOCH.

"May 7th, 1743."

It was the Opinion of the Board that Conrad Weiser should be sent for immediately, and dispatch'd to Onondago with the following Instructions:

"Instructions for Conrad Weiser, Esqr., Interpreter for the Government of Pennsylvania, with the Indians of the six Nations.

"You are forthwith to proceed for Onondago, and there You are to acquaint the Chiefs of the six Nations met in Council,

"That the Governor & Council of Virginia have express'd an intire Satisfaction in my Mediation, and have very thankfully acknowledg'd my Services in healing the Breach occasion'd by the late unhappy Skirmish between some of their back Inhabitants and some Indians of those Nations;

"That they have given me the Strongest Assurances that no fresh Hostilities shall be exercised ag^t. them;

"That they have requested the Continuance of my good offices, and that I would send You, as being a Person in whom I can confide, to desire them to receive through my Hands a Present from that Governm^t. Of one hundred Pounds Sterling Value in such Goods as I think proper, as a token of their sincere Disposition to preserve Peace and ffriendship with them, and as an earnest that they will not fail to send Commissioners next Spring at the Time and to the Place that shall be agreed upon to treat with them concerning the Lands in Dispute;

"That the said one hundred Pounds Sterling is already lodged by the Governor of Virginia in my Hands for that Purpose, and shall be laid out in such Goods as shall be most agreeable to them;

"And Lastly, after you are perfectly well Satisfied of the like good Dispositions in the Indians of the six Nations, and they have Consented to accept of the present Offer'd, You are to agree with them upon the Time and Place of meeting next Spring for treating with the Government of Virginia concerning the Lands in Dispute.

"Given under my Hand & the Lesser Seal of the Province of Pennsylvania, this 18th Day of June, 1743."

Then the Governor informed the Board that Robert Dunning, John Canon, & Esther Harris, were waiting at the Council Door, in Order to lay before them a Deposition made before Justice Hogg by one James Hendricks, servant to an Indian Trader at Alligheny, who had deposed that he had seen the Indians there in pursuit of

some of the Traders, And that he had heard the discharge of two or more Guns, from whence he verily believ'd that the pursued Traders were murder'd, and at the same Time declared his Apprehensions that the Indians designed to cut off all the Traders in those parts, which had alarmed the Inhabitants of Lancaster County to that Degree that several had left their Habitations; And that they were dispatch'd as Messengers to inform the Government of this, and to receive Directions what to do. Whereupon they were called in and Hendricks' Deposition was read, and likewise two other Depositions made by two other Indian Traders, who deposed that they were desired by some Indian ffriends of theirs to make the best of their Way out of the Indian Country, to avoid their being murder'd by the Indians, who were come to a Resolution to cut off all the white People.

After which s^d^ Dunning and the others were Examin'd, but related to no other Particulars than what were contained in the said Depositions, except some groundless insinuations of one Peter Chartier, an Indian Trader; Whereupon the Governor entred into a Detail of the several Transactions that had lately past between this Government and the six Nations, from whence he concluded that they might be assured there was no Disposition in the Indians to begin a War, and that the Informations given by Hendrick's and the rest were the Effect of fear & Chartier's Villanous Reports, and advised them to return immediately to their own Homes and to prevail on their Neighbours to disperse and remain quiet. But they insisting that it would not be in their power to Satisfy the Minds of the people unless some Persons of Credit were to be sent by the Governor, And the Secretary informing the Board that William Parsons and himself were to go up to Lancaster County next week upon some business of the Proprietor's, The Governor gave directions to Mr. Peters to inform himself in the best Manner he could of the Truth of what had been deposed, and to send him speedy intelligence of it, And if he found there was no just Grounds for the People's fears, as he was almost confident there was not, that he would use his utmost endeavours to quiet them and to perswade the People to return to their Habitations, particularly by shewing them a Copy of the Messages that had passed between him & the Indians of the six Nations, and by putting them in Mind that those Indians had at all Times preserved their Treaties inviolably with this Government, and that from thence & many other Circumstances there is not at this Time the least reason to apprehend any Treachery from them.

The Governor laid before the Board the following Letter, which was wrote by Mr. Cookson at the Instance of the Conoy Indians:

"May it please your Honour—

"The Indians of the Conoy Town, on the East side Sasquehanna, in the beginning of April Last sent me a Message, signifying their

having some thing to Communicate to your Honour by me, and desired me to be at Home the 11th of the same Month, on which Day they came down to the Number of 14. I invited them into my House, and after some time Old Sack (who is the Chief of that Town) spoke to the following purpose: 'We desire you to acquaint our Brother the Governor, that our fforefathers came from Piscatua to an Island in Potowmeck, and from thence down to Philadelphia in Old Proprietor Penn's Time, in Order to shew their ffriendship to the Proprietor; That after their return they brought down all their Brothers from Potowmeck to Conejoholo, on the East side Sasquehannah, and built a town there.

"'That the Indians of the six Nations told 'em there was Land enough, they might chuse their place of Settlement any where about Sasquehannah.

"'That accordingly they thought fit to remove higher up Sasquehannah to the Conoy Town, where they now live; And on their first settling, the Indians of the six Nations came down & made their ffire, and all the great Men declared the fire of their Kindling in token of their approbation of their settling there; But that now the Lands all around them being settled by white People, their hunting is spoiled And they have been long advised by the six Nations to leave the place and go higher up the River and settle either at the Mouth of Conodogwinnet, Chiniotta, or up at Shamokin.

"'That now they are come to a Resolution to remove up to Shamokin; And, therefore, according to their Custom, they desire to acquaint their Brother, the Governor, therewith, that he may know certainly where to find them upon any occasion; that they will be down at Philadelphia in one Year, and then they hope the Governor or some Gentlemen of Philadelphia will give them something for their old ffields.' And in order to satisfy your Honour that this Message was sent down at their instance, they desired the String of Wampum herewith sent to be delivered.

"Upon hearing that the Stragling Indians were call'd into their Towns upon Account of the late Skirmish in Virginia, I told them I hoped they were under no Apprehension of Staying amongst the white People, especially of this Province, for that they might be well assured they might remain very secure in their Treaty with this Government so long as they behav'd agreeably to it To which the Old Man answer'd, that what had happened in Virginia was no motive at all to their removal; That they were under no fear or Apprehension of our People's using them ill, And that the sole reason was to be settled a little from the Inhabitants for the sake of their Hunting.

"As they observed to me form in the thing, I thought it would

be expected that I should be particular, or should have reduc'd it to the necessary parts.

"I am Yo^r. Hon^r. most obed^t. Humble serv^t.

"THO. COOKSON.

"Lancaster, 1st May, 1743."

August 1st, 1743.

The Assembly, by two of their Members, acquainted the Governor that they were met pursuant to their Adjournment, and if the Governor had any thing to Lay before them they were ready to receive it. To which the Governor Answer'd that he had prepared a Message, and would send it to the House to-Morrow.

August 2d.

The Governor sent his Secretary with the following written Message, and the several Papers referred to, Vis^t:

"Gentlemen:

"I have now the Pleasure to tell You that my Mediation between the Government of Virginia & the Indians of the six Nations has been so far attended with Success that nothing seems wanting but the fform of a treaty to reconcile their Differences, as well on Account of the Late unhappy Skirmish as of the Lands claimed by those Indians, which both parties are desirous should be held next Spring, and have given me the strongest Assurances that no Acts of Hostility shall be committed in the Mean time. The Governor of Maryland has likewise promised that Satisfaction shall be made them for their Lands settled by the People under his Government. I can truly say that I have spared no Pains, for no Pains can be too great to accomplish so desireable a work as that of Peace, and I assure my self from thence of Your and every Man's Approbation that has any Sentiments of Humanity or knows how to Value the Reputation or Security that will attend this Government from its becoming the Reconciler of our Neighbour's Quarrels. To avoid prolixity and for your more particular Information & Satisfaction, I have order'd Copies of the most material Transactions in this Affair to be laid before You.

"As this has generally been the Season for finishing the Business of the Year, it may not be improper to put you in mind that there are still some things undone which immediately concern the Interests of the Publick: I for my Part shall be glad of this and every other

Opportunity of demonstrating my willingness to do every thing that can reasonably be expected of me.

"GEO. THOMAS.

"Aug. 2, 1743."

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August 6th.

Two members of Assembly waited on the Governor & delivered the following answer to his Message, Viz^{t}:

"May it please the Governor:

"We receive with great Satisfaction the Account the Governor is pleased to give Us that his Mediation between the Government of Virginia & the Indians of the six Nations is attended with Success. The late unhappy Skirmish between some of the Inhabitants of that Colony and a Party of the six Nations, to such as Consider'd the dismal Consequences that might have attended, Afforded but a melancholy Prospect, and as we now find that by the Governor's Care and Diligence the Scene is happily changed, the Obstacles to future Peace removed, it merits not only 'our's & every mans Approbation' but excites our Gratitude in the return of our hearty thanks.

"This has generally been the Season for finishing the business of the Year, such as appears to Us necessary now to be done, and we have now under our Consideration, and the part which lies before Us we hope in a little Time to compleat. And we acknowledge the Obligation we are under for the kind Declaration the Governor is pleased to make 'of his being glad of this and every other Opportunity of demonstrating his willingness to do every thing that can reasonably be expected of him.'"

—

August 11th.

Two Members of the Assembly waited on the Governor and presented a Bill for removing the Trustees of the Loan Office and appointing others to execute the said Trust.

—

August 13th.

Two of the Assembly waited on the Governor and informed him that several of their Members being sick and unable to attend, the House was inclinable to rise as soon as possible, and was therefore desirous to know his Sentiments on the Bill now before him. To which the governor answer'd that he was sorry for the Indisposi-

tion of the Members, and that he was not himself very well, but that he had consider'd the Bill and had it still under Consideration.

—

EODEM DIE.

Two Members waited on the Governor and acquainted him that the House proposes to adjourn this Day to the 30th of September next, if he had nothing to lay before them that might require their longer Stay. To which the Governor answer'd, That he had no Objection to the Adjournment.

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August the 13th.

Conrad Weiser's Report of his Journey to Onondago on the affairs of Virginia, in Obedience to the Orders of the Governor in Council, 13 June, 1743, delivered to the Governor the 1st September:

"On the 21st we arrived at Cachiadachse, the first Town of the Onondagoes. About noon I heard that the Messenger I had sent from Oswego had missed his Way and did not arrive there. I therefore imediately sent a Messenger from this place to the Chief Town about five miles off to acquaint the Chiefs of that Nation of my coming with a Message from Onas on behalf of Assaryquoa. They dispatched Messengers that Day to Summon the Council of the Six Nations. My Messenger came back & inform'd me that the House of Annwaraogon was appointed for our Lodging; we set out and arriv'd there at three o'Clock in the Afternon. After we had eat some dry'd Eels boiled in Hominy, and some Matts had been spread for Us to lye upon, Canassatego & Caheshcarowanoto, of the Chiefs, with several more, came to see Us & receiv'd Us very kindly. They asked how their Brethren did in Philadelphia, and in particular the Governor, & whether Onas was arrived. I answer'd that their Brethren in Philadelphia were all well & in the same Disposition of Mind as they had left them in Last Year, and in particular the Governor their Brother was so, who, according to the Trust reposed in him by Onas, when he left Philadelphia, was always engaged for the good of the Publick. We smoak'd a Pipe of Philadelphia Tobacco together, & had some further discourse on things of no Consequence. The 22d, early in the Morning, Tocanontie (otherwise call'd the black Prince of Onondago), came to see Us with Caxhayion and expressed their Satisfaction at my coming to Onondago, saying You never come without good News from our Brethren in Philadelphia. I smil'd & told him it was enough to kill a Man to come such a Long & bad Road over Hills, Rocks, Old Trees, and Rivers, and to fight through a Cloud of Vermine, and all kinds of Poisond Worms

and creeping things, besides being Loaded with a disagreeable Message, upon which they laugh'd; and Tocanontie told me that he was extreamely glad last Night to hear I was come to Onondago. Canassatego and Caheshcarowno, with several more, came to see Us again and spent the Day with us. We had for the Subject of our Conversation the Occurrences of our Journey and General News. The twenty-third it was good weather. I, with Shikellimo, visited Canassatego, desired him to meet Us in the Bushes to have a private Discourse, which he approved of. We met a little way distant from the Town; I brought with me my Instructions and the Wampums I had, and told him that as he was our Particular ffriend and well acquainted both with Indians & white People's Affairs & Customs, I would tell him all my Business, and beg his Advice how to speak to everything when the Council should be met. He assured me of his good will and Affection to the Governor of Pensilvania and all his People, and that he would do for me what lay in his power. I then explained my Instructions to him, and show'd him the Wampum. He told us that what he had heard of me was very good, he must first go and acquaint Caheshcarowano with it, and they would then both send for me and Shikellimo, and put us in the Way; we broke up imediately, and Canassatego went directly to Caheshcarowano and we to our Lodging. In the afternoon they sent for me and Shikellimo to the House of Caheshcarowano, and I was desired to bring my Instructions and my Wampums with me. I went along with the Messenger to the House of the said Chief, where I found, to my Surprize, all the Chiefs of Onondago met in Council. Tocanontie spoke to me after this Manner: 'Brother, the Chiefs of Onondago are all of one Body and Soul, and of one Mind; therefore Canassatego and Caheshcarowano have acquainted us with the whole of what had passed betwixt You and Canassatego in the Bushes; you have done very well and prudent to inform the Onondagoes of your Message before the rest of the Counsellors meet, since it Concerns chiefly the Onondagoes, and it will altogether be left to Us by the Council of the United Nations to answer your Message; be, therefore, not surprized in seeing Us all Met in Council unexpectedly, and explain the Paper to Us you have from our Brother the Governor of Pennsylvania, which I did accordingly, and acquainted them with the whole Message; they seemed to be very well pleased, and promised they would put every thing in such Poeture that when the Council of the United Nations arrive, I should have an Answer soon, and such an one as they did not doubt would be satisfactory to the Governor of Pennsylvania and Assaryquoa; that they had always so much regard for Onas & his People that they would do anything for them in their Power, and they looked upon the Person that kept House for Onas (meaning the Governor) as if Onas was there himself. I thanked them for their good will and Left them for this Time, knowing they had something to do

amongst themselves; Tocanontie was Speaker. The 24th the Council of the Onandagoes sat again. Jonnhaty, the Captain of the Unhappy Company that had the Skirmish last winter in Virginia, was sent for with two More of his Companions. He was desired to tell the story from the beginning how every thing happen'd, which he did; he seem'd to be a very thoughtful and honest Man; and took a deal of Time in telling the Story; after he had done, I told him I would write it down before I left Onondago, in his Presence, to which he agreed, and desired that some of the Chiefs might be present when he was to rehearse it again. In the Evening the Cajuga Deputies arrived. The 25th Visited Caheshearowano this Morning, and Gaxhayion in the afternoon. Jonnhaty gave a ffeast to which Assaryquoa whom I represented, and Onas whom Shikellimo represented, was invited with the Chiefs of the Town, about 18 in number; the ffeast consisted of a Cask of Rum, of about two gallons; several Songs were sung before the ffeast begun, in which they thanked Assaryquo for visiting them; they also thanked Onas (the Governor of Pennsilvania) for conducting Assaryquoa and Showing him the Way to Onondago; the Sun was praised for having given Light, and for dispelling the Clouds; then the Cask was open'd, & a Cup of about ¾ of a Gill was fill'd for Canassatego, who drank to the Health of Assaryquoa; next him drank Caheshearowano to the Health of the Governor of Pennsilvania, and after this Manner we drank round; the next Time the first Cup was reached to me by Jonnhaty, who attended the ffeast, I wished long Life to the wise Counsellors of the united Nations, and drank my Cup, so did Shikellimo & the rest; after that the Kettle was handed round with a wooden Spoon in it; every one took so much as he pleased. Whilst we were drinking & smoking, news came that a Deputation of the Nanticoke Indians arrived at Cachiadachse from Maryland; the House of Canassatego was ordain'd for them, since the Town House was taken up by Onas & Assaryquoa; after all the Rum was drunk, the usual thanks was given from every Nation or Deputy with the usual sound of Jo-haa, and we parted. The 26th. In the Morning I went to see the Nantikokes; there was six in Number, none could speak a word of the Language of the united Nations. I found there besides Canassetego, his Brother, Zila Woolien, and others; they desired me to stand Interpreter for the Nanticokes (they heard us talk English together), to which I consented; no Deputies were Yet arrived from any other Nation. I desired Canassatego to send again to have at least the Oneidos there, as they were concern'd in the Late Skirmish, which was done immediately. The 27th. No Business was done to-Day. The 28th. The Deputies from the Oneidos and Tuscaroros arriv'd. Aquoyiota, an old Acquaintance of mine, came with them; he is a Man of about 70 Years of age, a Native & Chief of the Oneidos. The 29th. The Onondago's held another Private Council, and sent for me and Shikellimo; every thing was discoursed over again, and

we agreed that Canassatego should speak in behalf of the Government of Virginia; and the Wampums were divided into so many parts as there were Articles to be spoken of; and the Goods were to be divided between the family's in Mourning and the Publick Council of the united Nations. A Messenger was sent to hasten the Mohawks away from the Oneider Lake, where it was supposed they tarried; they arrived, five in Number. The 30th, About noon, the Council then met at our Lodging and declared themselves compleat, and a deal of Ceremonies Passed; ffirst the Onondagoes rehearsed the beginning of the Union of the five Nations, Praised their Grandfathers' Wisdom in establishing the Union or Alliance, by which they became a formidable Body; that they (now living) were but ffools to their wise ffathers, Yet protected and accompanied by their ffathers' Spirit; and then the discourse was directed to the Deputies of the several Nations, and to the Messengers from Onas and Assaryquoa, then to the Nanticokes, to welcome them all to the Council ffire which was now kindled. A String of Wampum was given by Tocanontie, in behalf of the Onondagoes, to wipe off the Sweat from their (the Deputies & Messenger's) Bodies, and God, who had protected them all against the Evil Spirits in the Woods, who were always doing mischief to people travelling to Onondago, was praised. All this was done by way of a Song, the Speaker walking up & down in the House. After this the Deputies & Messengers held a Conference by themselves, and appointed Aquoyiota to return thanks for their kind reception, with another String of Wampum. Aquoyiota repeated all that was said in a Singing way, walking up and down in the House, added more in Praise of their wise ffathers and of the happy union, repeated all the Names of those Ancient Chiefs that establish'd it; they no Doubt, said he, are now God's and dwell in heaven; then Proclamation was made that the Council was now Opened, and Assaryquoa was to speak next morning in the same House, and due Attendance should be given. All those Indian Ceremonies took up that afternoon. Jo-haas from every Nation was given. The 31st, about Ten of the Clock, the Council of the united Nations met, and Zila Woolien gave me Notice that they were now ready to hear Onas and Assaryquoa Speak. I called Canassatego and desired him to speak for me in Open Council, as I would tell him, Article by Article (according to what was first agreed upon), which he Proclaim'd to the Council, and they approv'd of it, because they knew it required some Ceremonies with which I was not acquainted. The Speaker then begun and made the following Narrative: "*Brethren the United Nations*, you Togarg Hogon our Brother, Nittaruntaquaa our Son, also Sonnawantowano and Tuscaroro, our Younger Sons, you, also, our absent Brother Ounghcarrydawy dionen Horarrawe, Know Ye, that what was transacted last Winter at this ffire by Us and our Brother Onas, on behalf of our Brother the Governor of Virginia, known to Us by the Name of Assaryquoa, was all

carefully put down in Writing and sent to Assaryquoa, our Brother, by our Brother Onas, upon the Receipt whereof our Brother Assaryquoa wrote again to our Brother Onas and thank'd him kindly for his Mediation in healing the Breach occasion'd by the Late unhappy Skirmish, and requested the Continuance of our Brother Onas' good Offices; and that the Interpreter might be sent to Sagogsaanagechtheyky with such Instructions as Onas our Brother (who knowing the Nature, Customs, and the very Heart of his Brethren) shall think fit. This is all what I have to say about what is past. Now you will hear our Brother Assaryquoa himself, who has been brought to our fire by our Brother Onas. Then I took up a Belt of Wampum and told the Speaker, Canasatego, a few Words, and he proceeded and Spoke in behalf of the Governor of Virginia as follows:

"S.—Brethren, The United Nations now met in Council at Sagoghsaanagechtheyky; when I heard of the late unhappy Skirmish that happened in my Country between some of your Warriours and my People, I was Surprized. I could not resist for it to my self why such a thing should happen between Brethren. This Belt of Wampum, therefore, I give to the ffamilys in Mourning amongst You my Brethren at Sagoghsanagechchayky, to condole with them and moderate their Grief." The Belt was given and the usual Sound of Approbation was returned by the whole House;—2. Then I handed another Belt to the Speaker and Spoke to him; he spoke much the same as before, and desired that Belt might be given to the ffamilys in Mourning at Niharuntaquoa, or the Oneidos, for the same Use. Thanks was given again by the whole Assembly with the usual Sound, then I handed a large Belt to the Speaker.—3. 'Brethren of the united Nations, the Sun kept back his beams from Us, and a dark Cloud overshadow'd us when the Late unhappy Skirmish happened between my People and Your Warriors. My People are charged with having begun Hostilities; I will not Dispute with you about it. It is most certain that an Evil Spirit which governs in Darkness has been the Promoter of it, for Brethren will never fall out without giving Ear to such Evil Spirits. I and the Old and wise People of my Country highly Disapproved the Action, I therefore came here to your fire to fetch home the Hatchet, from an Apprehension that it might have been unadvisedly made Use of by my People, and I assure You, by this Belt of Wampum, that there shall be no more use made of it for the future, but it shall be buried. In Confirmation of what I say I give You this Belt of Wampum.' The solemn Cry, by way of thanksgiving & Joy, was repeated as many Times as there were Nations present. The Speaker then proceeded:—4. 'Brethren, the united Nations, this String of Wampum serves to bury all that unhappy accident under the Ground, and to Lay a heavy stone upon it to keep it under for Ever.' He laid down some Strings of Wampum. The usual Cry was given.—5. 'Brethren, the united

Nations, these Strings of Wampum serve to dispell the Dark Cloud that overshadowed Us for some Time, that the Sun may shine again and we may be able to see one another with Pleasure.' He laid down some Strings of Wampum. The usual Cry, by way of Approbation and Thanks, was given. The Speaker proceeded:—6. 'Brethren, the united Nations, these Strings of Wampum serve to take away the Bitterness of your Spirit, and to purge You from the abundance and overflow of your Gall; all wise People judge it to be a dangerous Distemper; when Men have too much of that it gives an Open Door to evil Spirits to enter in, and I cannot help believing that my Brethren, the united Nations, are often sick of that Distemper.' He laid down four Rows of Wampum; the usual Cry was given by way of Approbation; the Speaker proceeded:—7. Brethren, the united Nations, this String of Wampum serves to mend the Chain of ffriendship again, which was lately hurt and was in danger of being broke. Let good understanding & true ffriendship be restor'd and subsist among us for Ever.' Layd four Rows of Wampum, the usual Cry of approbation was given, and the Speaker proceeded:—8. 'Brethren, the United Nation, The old and wise People of my Country joined with me, and we Lodged a fine present in the hands of your Brother Onas for your Use, as a token of my own and my People's sincere Disposition to Preserve Peace and ffriendship with you. We will send Commissioners to you next Spring to treat with you about the Land now in Dispute and in the Possession of my People. Let the place and Time be appointed for certain, that we may not miss one another.' Layd some Strings of Wampum; The usual Cry, by every Nation in Particular, was given by way of thanksgiving & Joy; the Speaker Concluded & said, 'Brethren, I have no more to say at present, but only desire You to give me a Speedy Answer, I have been here many Days.'

"All the Wampum were hung over a Stick laid across the House about six ffoot from the Ground, several Kettles of Hominy, boil'd Indian Corn & Bread was brought in by the Women, the biggest of which was set before Assariquoa by the Divider; all dined together; there was about sixty People. After Dinner they walked out, every Nation's Deputies by themselves, and soon came in again and sat together for about two hours; then Zilla Woolie proclaimed that Assaryquoa was to have an Answer now imediately; Upon which all the men in Town gather'd again, and the House was full, and many stood out of Door (so it was in the forenoon when the Message was delivered to them). Zilla Woolie desired Assaryquoa to give Ear, Tocanumtie being appointed for their Speaker, Spoke to the following Purpose: S—

"'Brother Assaryquoa, the unhappy Skirmish which happen'd last Winter betwixt your People and some of our Warriours was not less *surprizing to us than* to You; we were very sorry to hear *it; all amongst us were surprised*; a Smoke arose from the bottom-

less Pitt, and a dark Cloud overshadow'd us; the Chain of friendship was indanger'd & disappeared, and all was in a Confusion. We, the Chiefs of the united Nations, took hold of the Chain with all our Strength, we were resolved not to let it slip before we received a deadly Blow. But to our great Satisfaction, in the Darkest Time, our Brother Onas enter'd our Door and Offer'd his Mediation. He judged very right to become Mediator betwixt us. We were drunk on both sides, and the overflow of our Galls and the Blood that was shed had corrupted our Hearts, both Your's and our's. You did very well to come to our fire and Comfort the Mourning ffamilies. We thank You; this Belt shall serve for the same Purpose to Comfort the ffamilyes in Mourning amongst You.' Laid a Belt of Wampum. After I thank'd them their Speaker proceeded:—2. 'Brother Assaryquoa, you have healed the Wounds of the Hearts of these ffamilys in Mourning both here & at Niharuntaquoa. We thank you kindly for your so doing. Let this Belt of Wampum have the same Effect upon your People, to heal the Wounds and Comfort them, as your's had upon our's.' Laid a Belt of Wampum, the usual thanks was given, & the Speaker proceeded:—3. 'Brother Assaryquoa, you judged very right in saying that an evil Spirit was the promoter of the late unhappy Skirmish. We do not doubt but you have by this Time full Satisfaction from your own People besides what You had from Us, that your People had begun Hostilities; but let have begun who will, we assure You it was the Spirit that dwells amongst the Catabaws, and by which they are ruled, that did it, for Brethren will never treat one another after this Manner without an Evil Spirit enters them. We agree with you and your Counsellors, the old and wise People of your Country, and disapprove the Action highly; we thank You Brother Assaryquoa for removing your Hatchet and for burying it under a heavy Stone. Let this Belt of Wampum serve to remove our Hatchet from You and not only bury it, but we will fling it into the Bottomless Pitt, into the Ocean, there shall be no more Use made of it. In Confirmation of what we say, we give You this Belt of Wampum.' After the usual Approbation was given, the Speaker proceeded:—4. 'Brother Assaryquoa, let this String of Wampum serve to heal the very mark of the Wounds, so that nothing may be seen of it after this Day, for it was done betwixt Brethren; let no more mention be made of it hereafter for ever, in Publick or Private.' Lay'd down four Strings of Wampum. The usual Cry by way of Approbation was given, and the Speaker proceeded:—5. 'Brother Assaryquoa, this String of Wampum serves to return you our Thanks for dispelling the dark Cloud that overshadow'd Us for some Time. Let the Sun shine again, let us look upon one another with Pleasure and Joy.' Lay'd some Strings of Wampum. The usual Approbation was given, and the Speaker proceeded:—6. 'Brother Assaryquoa, you have taken away the bitterness of our Spirit, and purged us from the abundance and over-

flow of our Gall. We judge with all the rest of the wise People, that when Men have too much of that it is like a dangerous Distemper; but it is not only your Brethren, the united Nations, that have too much Gall, but the Europeans labour likewise under that Distemper, in particular your back Inhabitants; you did very well in taking away the overflow of Gall. Let this String of Wampum serve to purge your People also from the overflow of their Gall, and to remove the bitterness of their Spirit; also, we own it to be very necessary on both sides. We thank You for the good advice.' Laid four Rows of Wampum. The usual approbation was given, and the Speaker proceeded:—'7. Brother Assaryquoa, this String of Wampum serves to thank you for mending the Chain of ffriendship which was lately hurt and in danger; we agree with you very readily. Let good understanding & true ffriendship be restored and subsist among us for Ever. Laid four Rows of Wampum. The usual approbation was given, and the Speaker proceeded:—8. 'Brother Assaryquoa, we thank you kindly for the present you and the Old and Wise of your Country lodged in the Hands of our Brother Onas, your good ffriend, as a token of your sincere Disposition to preserve Peace and ffriendship with Us. Let this String of Wampum serve to assure you of the like good Disposition towards you and your People, and as an assurance that we will come down within the Borders of Pennsylvania to a place called Canadagueany, next Spring, and we will be very glad of seeing your Commissioners there, we will treat them as becomes Brethren with good Chear and Pleasure. We will set out from our several Towns after eight Moons are past by, when the ninth just is to be seen, this present Moon, which is almost expired, not to be reckoned, Upon which you may Depend; in Confirmation whereof, we give you this String of Wampum.' The usual Approbation being given, the Speaker proceeded:—'Brother Assaryquoa, we have no more to say at present, but we will not permit you to Leave Us yet, but stay a Day or two longer with us. We have just now received Intelligence that the Jonontowas are on the Road with some of the Cherikees' Deputies in order to strike a Peace with Us; They, the Cherikees, hindred the Jonontowas from coming sooner, and you will then hear the Particulars.' Then the Speaker directed his Discourse to the Deputies of the Nanticokes, who had been there all along present, and said: 'Brethren, the Nanticokes, We desire you will prepare for to-morrow and deliver your Message to us; and as you have neither the united Nations, their Tongue nor Ear, we have thought fit to hear you speak with our English Ear, and to speak to you with our English Tongue. There is the Man (pointing to me) who is the Guardian of all the Indians.' I was desired to acquaint the Nanticokes with it, which I did, and they were well pleased. They could talk some English, but not one word of the united Nation's Language. The 1st of August, the Nanticokes spoke, and had their Answer the same Day; the whole

day was spent about it. The 2d, the Council of the united Nation met again, and Zillawoolie desired me to give my Attendance, and take Notice of what should be said to put it down in Writing immediately, and with Particular Care he spoke as follows: 'Brother Onas, Assaryquoa, and the Governor of Maryland: We are ingaged in a War with the Catabaws which will last to the End of the World, for they molest Us and speak Contemptuously of Us, which our Warriours will not bear, and they will soon go to War against them again; it will be in vain for Us to diswade them from it. We desire you, by this String of Wampum, to publish it amongst your back Inhabitants to be of good behaviour to our Warriors, and look upon them as their Brethren, that we may never have such a Dangerous Breach hereafter. We give you the strongest Assurance that we will use our best Endeavour to perswade and charge them to be of good Behaviour every where amongst our Brethren the English, with whom we are one body and Soul, one Heart and one Head, for what has happened is no more to be seen, and no token or mark remains thereof. Let the Spirit of the Catawba's be banished away from Us which will set Brethren to fall out; Let Treaties of ffriendship be observed, and believe no Lies. Our Brother Onas knows very well that some Years ago we made a new Road on the outside of your Inhabitants, tho' they had seated themselves down upon our Land, now your People seated themselves down again upon the new Road and shut it up, and there is no more room for a new Road because of the Terrible Mountains full of Stones and no game there, so that the Road cannot be removed. To inferve this upon You, we give you this String of Wampum, which serves likewise for an Assurance that we will observe Treaties of ffriendship with You and believe no Lies, and will perswade our Warriors to behave well every where amongst your People our Brethren.' Laid a String of Wampum of three Rows—they desired that this might be sent to Maryland and Virginia immediately, from Philadelphia. 'Brother Onas, this String of Wampum serves to return you our Hearty thanks for your Kind Mediation. We thank our Brother Assaryquoa for the Kind visit. Let good ffriendship and Peace be amongst Us to the End of the World.' After all was over, according to the Ancient Custom of that ffire, a Song of ffriendship and Joy was sung by the Chiefs, after this the Council ffire on their side was put out. I with the same Ceremonee put out the ffire on behalf of Assaryquoa & Onas, and they departed. The 3d of August I put down, in the Morning, the Speech of the Nanticokes and visited Tocammtie. All the Chiefs of the Onondagoes came to see Us—took my Leave of them—set out about nine and departed from Onondago. They desired to be remembred to their Brethren in Philadelphia, in Particular to the Governor and James Logan. The time that We staid at Onondagoe we were well entertain'd with Hominy, Venison, Dryed Eels, Squashes, and Indian Corn bread. They gave Us provision on the Road home-

ward, so much as we wanted. We passed Cajadachse—took my Leave thereof—Zillawoolie and I arrived that Day on the first Branch of Sasquehannah.

—

October 4th, 1743.

MEMORANDUM.

The Returns of Sheriffs and Coroners for all the Counties being presented to the Governour, A Council was Summoned, but no Members attending, his Honour signed the following Commissions:

To John Hyat as Sheriff,
To Henry Pratt as Coroner } of Philadelphia County & City.

To John Owen as Sheriff,
To Thomas Morgan as Coroner } of the County of Chester.

To John Hart as Sheriff,
To Joseph Chapman as Coroner } of the County of Bucks.

To James Galbreith as Sheriff,
To John Morris as Coroner } of the County of Lancaster.

At a Council held at Philadelphia, the 17th of October, 1743.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

Clement Plumsted,	Samuel Hasell,	} Esqrs.
Thomas Laurence,	Ralph Assheton,	
William Till,	Abraham Taylor,	

The Representatives of the ffreemen chosen to serve in Assembly this Year, waited on the Governor at the Time by him appointed. And John Kinsey, Esq^r, being chosen their Speaker and presented to the Governor, His Honour was pleased to say. "He did not Doubt but that the Speaker would behave himself so as to merit the Assembly's Choice and his Approbation, and trusted that all the Gentlemen of the House would so Conduct themselves as to Establish the good Agreement that was now begun between the several Branches of the Legislature." Whereupon the Speaker prayed the Governor,

That the House during the Time of their Sitting in Assembly may enjoy ffreedom of Speech in all their Proposition and Debates;

That the better to discharge the Business of the Publick they may at all Seasonable Times have free Access to the Governor;

That their Persons and Estates may be protected from all Arrests *and Molestations during the* Time of Priviledge accustomed;

That the Governor would be pleased not to hearken to any Report that may be made to him touching any matter debated in the House, until such Time as it shall have passed into a Resolve, nor give any Credit to such Report;

That if the Speaker in Reporting anything to the Governor as the Sense of the House, chance to be mistaken, Such mistake may not be imputed to the House, but that he may have Liberty to resort to them for their true intent and meaning, and that the mistake be Excused.

All which the Speaker requested as the just Rights and Privileges of the People of Pennsylvania, derived and confirmed to them by their Charter of Privileges and the Laws of the Province.

The Governor replyed they should be inviolably preserved to the House as long as he was in the Administration of the Government.

MEMORANDUM.

Two Members waited on the Governor to inform his Honour that the House was inclinable to adjourn to the 14th of November, and as his Honour had no Objection, the House accordingly adjourned to that Day.

At a Council held at Philadelphia, 14th November 1743.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

Samuel Hasell, Thomas Laurence, William Till, Ralph Assheton, Abraham Taylor, } Esqrs.

The preceeding Minutes were Read and Approved.

His Honour the Governor laid before the Board a Letter he had received by his Majestie's Sloop Hawk, sent Express to Boston, with Despatches from the Lord's Justices of Great Britain for all the Governors of his Majestie's Colonies of North America, which was read & ordered to be inserted in the Minutes, and is as follows, viz^{t}:

" Whitehall, 15th August, 1743.

" S^{r}:

" The Lord's Justices having taken into Consideration the present uncertain State of Publick Affairs, and the Danger that his Majestie's Dominions in America may be exposed to from any sudden attempt that might be made upon them in case a Rupture with ffrance should ensue in consequence of the Steps which his Majesty has already taken in support of the Queen of Hungary and the

ommon Cause, and the vigorous Measures which the King is pur-
ıing in all Parts for the same end, unless timely care be taken to
ıt the same into a proper Posture of Defence, Their Excellency's
ıve commanded me to signify to you their Directions that you
ıould employ the most effectual means for putting the Colony
ıder your Command into the best posture of Defence that shall be
ɔssible, and that you should be constantly upon your Guard against
ıy Surprize from any Quarter whatsoever.

"I am, S^r^ Your most Obedient Humble Servant,

"ANDREW STONE.

"Deputy Governor of Pensilvania."

His Honour informed the Board, that as the House of Assembly
ɾ their Adjournment was to meet this Evening, he had prepared a
peech to Lay before them on the Subject of the said Letter, which
ːing read and approved, was ordered to be transcribed and deliv-
ɔd by the Secretary to the Assembly, and is as follows:

The Governor in the Council to the Gentlemen of the Assembly.

"Gentlemen:

"I take this first Opportunity of laying before you a Letter,
hich I received by the Hawk Man of War, arrived Express at
oston, with Despatches to the several Governors of his Majestie's
olonies on the Continent of America.

"You will observe that their Excellencies 'the Lord's Justices,
ıving taken into Consideration the present uncertain State of
ublick Affairs and the Danger that his Majestie's Dominions in
merica may be exposed to from any sudden Attempt that might
ɜ made upon them in Case a Rupture with ffrance should ensue,
ı Consequence of the Steps which his Majesty has already taken
ı Support of the Queen of Hungary and the Common Cause, and
ıe Vigorous Measures which the King is pursuing in all Parts for
ıe same End, unless timely care be taken to put the same into a
roper Posture of Defence,' Have been pleased to Direct, 'that I
ıould employ the most effectual Means for putting the Colonie
ıder my Command in the best Posture of Defence that shall be
ɔssible, and that I should be constantly upon my Guard against
ıy Surprize from any Quarter whatsoever.'

"All that is now possible for me to do is to Issue a Proclamation
quiring the Inhabitants to prepare themselves in the best manner
ıey can to repel any Attack that may be made upon Us, And to
ımmission the best qualified to Levy, Muster, and Train them. Upon
ɔu it lies to prepare a Bill for obliging them to appear well Armed
ıd Accoutred at convenient Stated Times for their Instruction in
ilitary Discipline, and whenever else it shall be necessary for the
efence of the Province; And as the Disposition of the Publick
oney is in You, it should be your Care likewise to provide a Stock

of Arms and Ammunition, as well as to make some Provision for the security of our back Inhabitants against Inroads from the French Indians, And of this City, upon which the Trade of the whole Province chiefly depends, against any Attempt that may be made upon it from the Sea.

"GEO. THOMAS.

"Nov. 14, 1743."

At a Council held at Philadelphia, the 16th of January, 1743.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

Samuel Hasell, William Till, Ralph Assheton, Abraham Taylor, } Esqrs.

The Minutes of the preceeding Council were read and approved.

His Honour the Governor laid before the Board several Messages that had passed between him and the Assembly at their last Sitting, which were read and follow in their Order:

A Message to the Governor from the Assembly:

"May it please the Governor—

"The Bill for the new appointment of Trustees, &t., has now lain a considerable Time before the Governor, and if there be no other Objections against its being past into a Law but such as arise meerly from the Bill, we are perswaded the Governor is by this Time sufficiently determined in the Affair, and we shall be glad to have his result. If the difficulties do not arise from the Bill, but some other cause, we are desirous he will be pleased to communicate them to Us, that we may be able to judge whether they are such as are in our Power to remove, And what part it will become Us to Act therein. The Bill appears to us both useful and necessary, & all such we are willing to hope may readily obtain the Governor's Assent; And he may be Assured we shall as readily and chearfully demonstrate our Gratitude by making an Honourable Provision for his Support.

"Signed by Order of the House,

"JOHN KINSEY, Speaker.

"December 3d, 1743."

The Governour to the Assembly.

"Gentlemen:

"As I have not taken upon me to limit any Assembly to a time for their Consultations on Matters recommended either of my self or by the Directions of the highest Authority, I have the more

right to Expect a like ffreedom from You. I think my self likewise at liberty to give reasons or not as I shall think fit for my Approbation or Disapprobation of any Bills that have been or shall be laid before me. In due time, however, I may perhaps send you my Observations or Amendments to that for the new appointment of Trustees of the General Loan Office of Pennsylvania, and for making Current ten thousand Pounds in new Bills of Credit to Exchange such of those now by Law current as are torn and defaced. I am highly obliged to you for the Assurance you have been pleased to give me of making an honourable Provision for my Support, but an Expression so general is liable to different Constructions; some may think that an Honourable Support which in my Opinion it may be dishonourable for me to accept. There is a Justice due from the publick to me under my present Character, as well as a Justice due from me to the Publick. I am thoroughly disposed to discharge my Duty, and I promise my self that you will be as willing to put a finishing hand to the good work that was begun last year; So that being free from all differences amongst ourselves, We may be the more at liberty to attend to the Publick Interests in a Conjuncture so Critical.

"6th December, 1743."

"A Message to the Governor from the Assembly.

"May it please the Governor—

"We have taken into our serious Consideration the Message the Governor was lately pleased to send Us, with the Lords Justices' Letter, in which We observe, 'the uncertain State of Publick Affairs, and the Dangers that his Majestie's Dominions in America may be exposed to from any sudden Attempt that might be made in case of a Rupture with ffrance,' are the principal Inducements to the Commands their Lordships were pleased to give. But since by the latest Accounts we have received no such Rupture hath hitherto happened, and a War with ffrance is supposed to be less likely at this Time than at the Date of their Lordships' Letter, we apprehend there is no imediate Danger, and that the State of Publick Affairs may yet take a more favourable Turn, restore the blessing of Peace to Europe, and continue it to us. However this may be, we think our selves indispensably obliged with Gratitude to acknowledge this Instance of their Lordships' tenderness and care for these remote Parts of the British Dominions, and we shall be ready to give such Proofs of the sincerity of our Profession of our Loyalty to our King and our Duty to their Lordships when occasion shall require, as we hope will be acceptable. With like grateful Sentiments we observe the Concern which appears in the Governor's Message for the safety of the people of this Province, And yet it will be much more agreeable to Us the Storm which threatened should wholly blow over, that the Governor might receive our thanks

for his good intentions, rather than for his putting in Execution the Means he is pleased to propose for our Security.

"Sign'd by Order of the House.

"JOHN KINSEY, Speaker.

"December 7, 1748."

MEMORANDUM.

The Day after the Delivery of the last Message, two Members of Assembly waited on the Governor to inform him that the House was inclinable to adjourn to the seventh Day of May next, which not being objected to by his Honour, the Assembly did accordingly adjourn themselves to that Day.

His Honour acquainted the Board that he had received Information 'that a Vessel belonging to Mr. Thomas Robinson, a Merchant of the City, arrived yesterday in the River Delaware from Cagliari, a Port in the Island of Sardinia up the Mediterranean, not far from Sicilly, a place known to be infected with the Plague, and that the Captain was committed to Jayl by an Order of the City Magistrates for presuming, contrary to his Duty, to bring the Vessel to one of the Wharfs, And for abusive Language;' And the Owner and Master waited without to be examined before him in Council, and they being called in and Interrogated, the Master produced a Bill of Health dated at Cagliari, the 7th of September last, and endorsed at Port Mahon the 9th of October following, and declared he had not touch'd at any place, and that no person Except the Pilot had been on Board his Vessel, nor he nor any of his People on board any other Vessel since his Departure from Port Mahon; That his Cargo consisted of Salt, and that there were no goods on Board but a single Cask of Wine for his own Use, and that the Crew during the whole Voyage had been in perfect Health, and were so at this Time. After a full Examination, his Honour, finding the Captain but a weak Man, gave him a severe Reprimand for presuming to bring his Vessel to the Wharf before he had waited on his Honour and received his Directions, and Order'd him immediately to remove to the Distance of two Miles from the City & there to remain, and not to suffer any Person to go from on Board, or any Except the Doctors to come on Board his Vessel, until he should receive his Honour's further Orders; And, in the mean Time, to take care to Open the Chests and have all the Cloths belonging to the Sailors and Passengers well aired. His Honour likewise directed the Secretary to speak to Doctor Græme and Doctor Bond to visit the Vessel, and to report the number and Condition of the Sailors and Passengers, and to give it in Charge to Doctor Græme as Naval Officer to Examine the Chests and to be satisfyed that there were no other Goods on Board than Salt and the Cask of Wine. The Secretary was order'd to Prepare a number of Precepts and to deliver one to every Pilot, forbidding them on the severest Penalties

to presume to conduct any Vessel that should come from any part of the Streights, or from any other Place where there was Danger of receiving the Plague or any other Infectious Distemper, nearer than two Miles of any Port within the Province or Counties.

At a Council held at Philadelphia, the 25th of April, 1744.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

Thomas Laurence, Samuel Hasell, } Esqrs.
Abraham Taylor, Robert Strettell, }

The Minutes of the preceeding Council were Read and approved.

The Governor laid before the Board a Second Letter which he had received by way of New York from Andrew Stone, Esqr., Secretary of the Lords' Regents [covering a Duplicate of the Letter entred in the Minutes of Council of the 14th of November last], which was read and order'd to be entered:

"Whitehall, September 8d, 1743.

"Sir:

"I send you inclosed a Duplicate of the Letter which I wrote to you by Order of their Excellencies the Lord's Justice's on the 15th past, Containing Their Excellcies. directions for putting the Province under your Government into an immediate Posture of Defence; And Their Excellcies. doubt not but you will have taken the proper measures for that purpose. Their Excellcies. have Commanded me on this Occasion to Signify to you their further Directions that you should put the forces belonging to His Majesty's Province under your Governmt. in such a Condition as to be able not only to repel the French Forces if they should attack the st. Province, but likewise to be in a Condition, if it should become necessary, to attack them. I am Sr., &c.,

"ANDREW STONE."

The Governor then laid before the Board a Letter dated the 22d of this Instant April, from Mr. Cookson, at Lancaster, purporting "That John Armstrong, an Indian Trader, with his two servants, Woodward Arnold and James Smith, had been murder'd at Juniata by three Delaware Indians, and that John Mussemeclin and John Son of Neshalleeny, two of the Indians concerned in the murder, had been Seized by the order of Shick Calamy and the other Indian Chiefs at Shamokin, and sent under a guard of Indians to be delivered up to Justice, that one was actually delivered up and in Jayl at Lancaster, but the other had made his Escape from the Persons to whose care he was committed."

His Honour then Sent to the Chief Justice to consult him about the Steps proper to be taken to bring the Indian to his Tryal, but as he was absent at a Court of Oyer and Terminer in Bucks County, it was the Opinion of the Board that the Indian Musemeelin should be immediately removed to Philadelphia Jayl, and that Conrad Weiser should be immediately dispatched to the Chiefs of the Delaware Indians at Shamokin, to make a peremptory demand in his Honor's Name of the other murderers concerned, and that Shick Calamy and the Indians there do order immediate search to be made for the Goods of which the deceased was robbed, in order to their being put into the Hands of his Brother for the satisfaction of his Creditors, or the Support of his family. And at the same time to inform them that the Chiefs of the Indians which shall meet at Lancaster on the Treaty with Our Neighbouring Governments, will be desired to Depute some of their Number to be present at the Tryal and at the Execution of such as shall be found Guilty.

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May the 8th, 1744.

MEMORANDUM.

A message was sent from the Assembly to the Governour by two of their Members, desiring to know whether the Governour had come to any Resolution upon the Bill for the appointment of Trustees of the General Loan Office, &c., And that if he was willing to pass it, he would send it back to the House that they might make some alterations in it, which were become necessary as the time was elapsed at which the Bill was to take place. To which the Governour answered, That he had the Bill under consideration, and was willing to return it to the House for any Alterations they may find necessary, altho' he thinks it not altogether Parliamentary, and that he was ready to pass any Bills that may be laid before him for the Publick Good; but as this Bill has for its Basis the paper money Act pass'd by him, which has yielded a very considerable annual Revenue to the Publick, and amongst other things was expressly calculated for the Support of Government, he expected that the House would make up to him a Support equal to what was Given to his two immediate Predecessors. The Governour added, that as he had fallen into more difficult times than any of their former Governours, and had conducted publick affairs to the Honour and Reputation of the Province, he hoped the Assembly had laid aside all prejudices as he on his part had done, and that they would no longer defer doing what he thinks is not only in Justice due to him, but is at this time, as the Excise Act is likewise Expired, so apparently for the interest of their Constituents. E. R. P.

At a Council held at Philadelphia the 15th day of May, 1744.

PRESENT:

The Honourable GEORGE THOMAS, Esquire, Lieutenant Governour.

Thomas Laurence, Ralph Assheton, } Esqrs.
William Till, Abraham Taylor, }
Robert Strettell, }

The Minutes of the preceeding Council were read and Approved.

The Governor laid before the Board Several Messages that had passed between his Honour and the Assembly, which were read, and are as follows:

"The Governor to the Assembly.

"Gentlemen:

"I communicated to you at your last meeting a Letter from the Lords' Justices, directing me 'To put the Colony under my Command into the best posture of Defence possible.' I have since received another Letter, which is now laid before you, further directing me 'To put the Forces belonging to his Majesty's Province under my Government into Such a Condition as to be able not only to Repel the French Forces if they should attack the said Province, but likewise to be in a Condition if it should become necessary to attack them.' Their Excellencies were, undoubtedly, at the time of writing these Letters in expectation of some Event which would have brought on a Rupture with France, probably that of Prince Charles of Lorain's passing the Rhine with the Army under his Command, and joining that Commanded by his Majesty in Person. If a War with France was then Expected, and an attack upon some of the French Plantations in America was then meditated, What are We to Expect after Our Mother Country has been threatened with an Invasion by a French Power in favour of a Popish Pretender? His Majesty's Vigilance, and the Zeal and affection of his Parliament, seem, indeed (under God) to have already defeated that dangerous and insolent Attempt; and may the Attempts of his Majesty's Enemys, and the Enemies of Our Religion and Liberties in all times to come, be defeated. But is it likely matters will stop here? Is it not more Probable that War will be soon denounced against that perfideous nation; and since Our Distance renders us unserviceable to his Majesty's and the British Cause in Europe, that We shall be called upon for Our Assistance towards humbling the haughty Enemy in America? The conjuncture, Gentlemen, is extremely Critical. The method proposed by me at your last meeting for defending ourselves, will put us in a Condition, when it shall be required of us, to annoy our Enemies.

"GEORGE THOMAS."

"May the 8th, 1744."

The Governor to the Assembly.

"Gentlemen:

"Mr. Cookson's Letter to me, which I have ordered to be laid before you, will fully inform you of the barbarous Murders perpetrated by three of the Delaware Indians upon John Armstrong, an Indian Trader, and his two Servants. Shick Calamy and the Indians settled at Shamokin, upon Information given by the Brother of the deceased, and some others, apprehended two of the Murderers and sent them down to the Inhabited part of the Country; but one only of them was delivered up, the other having been permitted by the Indians that had the Custody of them to make his Escape. The first was committed to Lancaster Goal; but upon notice giving me of it, thinking that he might not be altogether Secure in the Neighbourhood of the Indians, that it might be of use towards the Conviction of his Accomplices to defer his Tryal till they should be apprehended, and that it might give some uneasiness to the Indians to be presented with such a Scene at the Place appointed for setling their Differences with the Governments of Virginia and Maryland, I, with the advice of the Council, ordered him to be convey'd under a Guard to the Goal in this City where he now lyes. And that the Reputation of the Government, the safety of the Back Inhabitants, and the Trade of the Province with the Indians, may not in the future be affected by any Remissness in the Prosecution of this affair, I sent orders to Conrad Weiser to set out immediately for Shamokin, and there to make a Peremptory Demand in my Name of the other two Murderers; and that Shick Calamy and the Indians there do order immediate Search to be made for the Goods of which the deceased was robbed, in order to their being put into the Hands of his Brother for the satisfaction of his Creditors or the Support of his family; And at the same time to Inform them that I design to send a Message to the Chiefs of the Indians which shall meet at Lancaster on the Treaty with Our Neighbouring Governments, desiring them to depute some of their Number to be present at the Tryal and at the Execution of such as shall be found Guilty.

"Conrad Weiser has had a great deal of Trouble with Indian affairs within these few months, which, with his Fidelity and Capacity, I think intitles him to an handsome Reward from the Publick, and I do not doubt but you will give it him."

The Assembly to the Governor.

"May it please the Governor:

"The Religious and Civil Liberties we enjoy under the happy Establishment of the Crown in the present Royal Family are inestimable, and any Attempt against the Person of Our Gracious Sovereign and present Constitution ought to be held in the greatest Detestation by every true Lover of his Country. It was with great surprize and concern we received Information of the late insolent

and treacherous Invasion intended in favour of a Popish Pretender; and we Esteem it a Signal Favour of Divine Providence in discovering and defeating that Attempt, and preventing the Effusion of blood which might have ensued thereupon.

"We have a grateful Sense of every Instance of the care taken by the Government over us; the Letters sent by Direction of the Lords Justices, which the Governor hath been pleased to communicate to Us, we account of this number. And altho' we must confess the affairs of Europe seem to be very unsettled, the Conjuncture, as the Governour is pleased to express it, extremely Critical, yet we still hope this part of the King's Dominions is in no immediate danger; that the late seasonable Interposition of Providence against his Enemies, the Enemies of our Country, Religion, and Liberty's, the Defeat of their Combined fleet, and the many Disapointments their Ambitious views have from time to time received, may at length induce them to seek peace for their own Sakes. But as former Assemblies, as well as the Present, have fully expressed themselves on the Subject matter of this Message, and their Sentiments therein well understood by the Governor, we think it unnecessary to add any thing further on the same Occasion."

A Message to the Governour from the Assembly.

"May it please the Governor:

"We return the Governor Our Hearty thanks for the Care he hath been pleased to take for apprehending the Indians Charged with the Murder of John Armstrong and his two men, lately killed on or near Juniata Creek. Altho' the Relation given by Conrad Weiser since his Return from the Indians, laid before us by the Governor s Directions, makes it appear not improbable that Mashemeelin, the Indian now in Custody, was the only person who committed those barbarous facts, The Care and dilligence already shewn by the Governor in this affair leave us no Room to Doubt but that such farther steps will be taken as shall be necessary for the Discovery of all such as have been any wise concerned in perpetrating those Murders, that they may be brought to Justice in the most Prudent manner, and so as to avoid giving any Umbrage to the Indian Nations. And we offer it to the Governor's consideration whether to this Purpose, as well as in regard to the Treaty which by his Mediation hath been set on foot between our Neighboring Governments and the Indians, it would not be more effectual if, instead of the Message the Governor is pleased to Mention, He should be present at the time of the Treaty. This we know must occasion an Expence; but as it is requisite for the publick Good, if the Governor shall be pleased to undertake the Journey, we will chearfully make Provision for that purpose, and likewise for the Services Conrad Weiser hath done the Province.

"Permitt us further to observe, that according to Conrad Weiser's

Accounts, two Letters sent by Alexander Armstrong to the Indians caused great Disturbance, and made them apprehensive the Friends of the Deceased intended to revenge themselves on the Indians; and as it may be of evil Tendency, and destructive to the Peace of the Province, for private Persons to take upon themselves to do Acts which more properly belong to the Government, we pray the Governor will be pleased to take such Measures as he shall think most proper to prevent the like practices for the future."

—

Conrad Weiser—his Report of his Journey to Shamokin.

"Shamokin, May 2d, 1744.

"This day I delivered the Governor's Message to Olumapies, the Delaware Chief, and the rest of Delaware Indians, in the presence of Shick Calamy and a few more of the Six Nations, The purport of which was, That I was sent Express by the Governor and Council to demand those that had been concerned with Musemeelin in Murdering John Armstrong, Woodward Arnold, and James Smith; That their Bodies might be searched for and decently buried; That the Goods be likewise found and restored without fraud. It was delivered to them by me in the Mohawck Language, and intreprested into Delaware by Andrew, Madam Menture's Son."

In the afternoon, Olumapies, in the presence of the aforesaid Indians, made the following Answer:

"Brother the Governor—

"It is true that we the Delaware Indians, by the Instigation of the Evil Spirit, have Murdered James Armstrong and his Men. We have transgressed, and we are ashamed to look up. We have taken the Murderer and delivered him to the Relations of the Deceased, to be dealt with according to his works.

"Brother the Governor—

"Your demand for the goods is very just. We have gathered some of them. We will do the utmost of what we can to find them all. We do not doubt but we can find out the most part, and whatever is wanting we will make up in Skins, which is what the Goods are sent for to the Woods.

"Brother the Governor—

"The dead Bodies are Buried; it is certain that John Armstrong was buried by the Murderer, and the other two by those that searched for them. Our Hearts are in Mourning, and we are in a dismal condition and cannot say any thing at present."

Then Shick Calamy with the rest of the Indians of the Six Nations there present, say'd: "Brother the Governor—We have been all missinformed on both sides about the unhappy accident. Mus-

semeelin has certainly Murdered the three White men himself, and upon his bare Accusation of Neshaleeny's Son, which was nothing but spite, the said Neshaleeny's son was Seized and made a Prisoner. Our Cousins the Delaware Indians being then Drunk, in particular Olumapies, never Examined things, but made an Innocent person Prisoner, which gave a great deal of Disturbance amongst us. How'er the two Prisoners were sent, and by the way in going down the River they stopped at the House of James Berry. James told the Young man, 'I am sorry to see you in such a Condition. I have known you from a Boy, and always loved you.' Then the Young man seemed to be very much struck to the Heart, and say'd, 'I have said nothing yet, but now I will tell all; let all the Indians come in, and the White people also; they shall hear it.' And then told Mussemeelin in the presence of all the people.

"'Now I am going to Dye for your Wickedness. You have killed all the three White men; I never did intend to kill any of them.' Then Mussemeelin in anger say'd, 'It is true I have killed them. I am a Man, you are a Coward; it is a Great satisfaction to me to have killed them. I will Dye with Joy for having killed a Great Rogue and his Companions.' Upon which the Young Man was set at liberty by the Indians. We desire, therefore, our Brother the Governor will not insist to have either of the two Young Men in Prison or Condemned to Dye. It is not with Indians as with White people, to put People in Prison on Suspicion or for Triffles. Indians must be first found Guilty of a Crime, then Judgement is given and immediately Executed. We will give you faithfully all the particulars, and at the ensueing Treaty entirely satisfie you; in the mean time We desire that good friendship and Harmony may continue, and that we may live long together is the Hearty desire of your Brethren the Indians of the United Six Nations present at Shamokin."

The following is what Shick Calamy declared to be the Truth of the Story concerning the Murder of John Armstrong, Woodward Arnold, and James Smith, from the beginning to the end, to wit:

"That Mussemeelin owing some Skins to John Armstrong, the said Armstrong Seized a Horse of the said Mussemeelin and a riffled Gun; the Gun was taken by James Smith, deceased. Sometime last Winter Mussemeelin met Armstrong on the River Juniata, and paid to about Twenty shillings, for which he offered a neck-belt in Pawn to Armstrong, and demanded his Horse, and James Armstrong refused it and would not deliver up the Horse, but enlarged the Debt, as his usual custom was, and after some Quarrel the Indian went away in great Anger without his Horse to his Hunting Cabin. Sometime after this Armstrong with his two Companions in their way to Ohio passed by the said Mussemeelin's Hunting Cabin; his Wife only being at home demanded the Horse of Armstrong, because he was her proper Goods, but did not get him (Armstrong

had by this time sold or lent the Horse to James Berry); after Mussemeelin came from Hunting, his Wife told him that Armstrong was gone by, and that She had demanded the Horse of him, but did not get him (and as is thought pressed him to pursue and take Revenge of Armstrong). The third day in the Morning after James Armstrong was gone by, Mussemeelin said to the two Young men that Hunted with him, 'Come, let us go towards the Great Hills to Hunt Bears;' accordingly they went all three in Company. After they had gone a good way, Mussemeelin, who was foremost, was told by the two Young men that they were out of their Course. 'Come you along,' said Mussemeelin, and they accordingly follow'd him till they came to the Path that leads to Ohio. Then Mussemeelin told them he had a good mind to go and fetch his Horse back from Armstrong, and desired the two Young men to come along; accordingly they went. It was then almost Night, and they traveled till next morning. Mussemeelin say'd, 'now they are not far off. We will make Ourselves black; then they will be frightned and will deliver up the Horse immediately, and I will tell Jack that if he don't give me the Horse I will kill him,' and when he say'd so, he laughed; The Young Men thought he Joaked as he used to do. They did not blacken themselves, but he did. When the Sun was above the Trees (or about an hour high) they all came to the fire, Where they found James Smith sitting, and they sat also down. Mussemeelin asked where Jack was; Smith told him that he was gone to clear the Road a little. Mussemeelin Say'd he wanted to speak with him, and went that way, and after he had gone a little Distance from the fire he say'd something and looked back laughing; but he having a thick throat and his Speech being very bad, and their talking with Smith hindred them from understanding what he Said, they did not mind it. They being hungrey, Smith told them to kill some Turtles, of which they were plenty, and we would make some bread, and by and by they would all eat together. While they were a talking they heard a Gun go off not far off, at which time Woodward Arnold was killed, as they learned afterwards. Soon after Mussemeelin came back and say'd, 'Why did you two kill that White man according as I bid you? I have laid the other two down;' at this they were Surprised, and one of the Young men, commonly called Jemmey, run away to the River side. Mussemeelin say'd to the other, 'How will you do to kill Catabaws, if you cannot kill white Men? You Coward, I'll shew you how you must do;' and then taking up the English Ax that lay there, he Struck it three times into Smith's Head before he died; Smith never stirred; then he told the Young Indian to call the other, but he was so terrify'd he could not call. Mussemeelin then went and fetched him and say'd to him that two of the White men were killed, he must now go and kill the third, then each of them would have killed one; But neither of them dare venture to talk any thing about it. Then he pressed them to go along with him,

he went foremost; then one of the young men told the other as they went along, 'My Friend, don't you kill any of the White People, let him do what he will; I have not killed Smith, he has done it himself; we have no need to do such a Barbarous thing. Mussemeelin being then a good way before them in a hurry, they soon saw John Armstrong setting upon an old Log; Mussemeelin spoke to him and Say'd, 'Where is my Horse?' Armstrong made answer and say'd, 'he will come by and by, you shall have him;' 'I want him now,' said Mussemeelin, Armstrong answered, 'you shall have him; Come, let us go to that Fire (which was at some distance from the place where Armstrong sat), and let us smoke and talk together.' 'Go along then,' say'd Mussemeelin. 'I am coming,' said Armstrong, 'do you go before Mussemeelin do you go foremost.' Armstrong looked then like a Dead Man, and went towards the Fire, and was immediately shot in his Back by Mussemeelin and fell. Mussemeelin then took his Hatchet and Struck it into Armstrong's head, and say'd, 'Give me my Horse, I tell you.' By this time one of the Young men had fled again that had gone away before, but he returned in a Short time. Mussemeelin then told the Young men they must not offer to discover or tell a word about what had been done for their Lives, but they must help him to bury Jack, and the other two were to be throw'd into the River. After that was done, Mussemelin ordered them to load the Horses and follow him towards the Hill, where they intended to hide the Goods; accordingly they did, and as they were going, Mussemeelin told them that as there were a great many Indians hunting about that place, if they should happen to meet with any, they must be killed to prevent their Betraying them.—As they went along, Mussemeelin going before, the two young Men agreed to run away as soon as the could meet with any Indians, and not to hurt any body. They came to the desired place, the Horses were unloaded, and Mussemeelin opened the Bundles and offered the two Young Men Each a Parcell of Goods. They told him that as they had already sold their Skins, and every Body knew they had nothing, they would certainly be charged with a black Action were they to bring any Goods to the Town, and therefore they would not accept any; but promised, nevertheless, not to betray him. 'Now,' says Mussemeelin, 'I know what you were talking about when you stay'd so far behind; You have agreed to betray me, but you shall fare like the White men if you intend to hurt me. The two Young Men being in a great danger of loosing their own lives (of which they had been much affraid all that day), accepted of what he offered to them, and the Rest of the Goods they put in a heap and covered them from the Rain, and then went to their Hunting Cabin; Mussemeelin unexpectedly finding two or three more Indians there, laid down his Goods and sayed he had killed Jack Armstrong, and taken pay for his Horse, and should any of them discover it, that person he would likewise kill;

but otherwise they might all take a part of the Goods. The Young man called Jimmey went away to Shamokin, after Mussemeelin was gone to bury the Goods, with three more Indians with whom he had prevailed; one of them was Neshaleeny's Son, whom he had ordered to kill James Smith, but those Indians would not have any of the Goods. Some time after the Young Indian had been in Shamokin, it was whispered about that some of the Delaware Indians had killed Armstrong and his Men. A Drunken Indian came to one of the Tudolous Houses at Night, and told the Man of the House that he could tell him a piece of bad News. 'What is that?' said the other; the Drunken man said, 'Some of our Delaware Indians have killed Armstrong and his Men, which, if our Chiefs should not resent and take them up, I will kill them myself to prevent a Disturbance between us and the White People our Brethren.' Next morning Shick Calamy and some other Indians of the Delawares were called to assist Olumapies in Council. Then Shick Calamy and Olumapies got one of the Tridolow Indians to write a Letter to me to desire me to come to Shamokin in all haste, that the Indians were much dissatisfyed in mind. This Letter was brought to my House by four Delaware Indians, sent Express, but I was then in Philadelphia, and when I came home and found no particulars mentioned in the Letter, and that none of the Indians of the Six Nations had been down, I did not care to medle with Delaware Indian affairs, and stay'd at home till I received the Governor's Orders to go (which was about two Weeks after). Olumapies was advised by his Council to employ a Conjurer (or ker as they call it) to find out the Murderer; accordingly he did, and the Indians met; the seer being busy all night told them in the morning to Examine such and such a one; they were present when Armstrong was killed, naming the two young men (Mussemeelin was then present); accordingly, Olumapies, Quitheyyquent, and Thomas Greene, an Indian, went to him that fled first and Examined him; he told the whole Story very freely; then they went to the other, but he would not say a word, but went away and left them. The three Indians returned to Shick Calamy and informed them of what Discovery they had made, When it was agreed to Secure the Murderers, and deliver them up to the White People. Then a great noise arose among the Delaware Indians, and some were afraid of their Lives and went into the Woods; not one cared to medle with Mussemeelin and the other that could not be prevailed on to Discover any thing, because of the Resentment of their families; but they being Pressed by Shick Calamy's Sons to Secure the Murderers, otherwise they would be cut off from the Chain of Friendship, four or five of the Delawares made Mussemeelin and the other Young man Prisoners and tyed them both. They lay twenty-four Hours, and none would venture to conduct them down, because of the Great Division among the Delaware Indians; and Olumapies in danger of being killed, fled to Shick Calamy and begged his Protection. At last

Shick Calamy's Son Jack went to the Delawares, most of them being Drunk, as they had been for Several Days, and told them to Deliver the Prisoners to Alexander Armstrong, and if they were afraid to do it they might separate their Heads from their Bodies and lay them in the Canoe, and carry them to Alexander to Roast and eat them; that would satisfy his Revenge, as he wants to eat Indians; they prevailed with the said Jack to assist them, and accordingly he and his Brother and some of the Delawares went with two Canoes and carry'd them off."

At a Council held at Philadelphia, the 25th Day of May, 1744.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

Samuel Hasell, Thomas Laurence,
William Till, Abraham Taylor. } Esqrs.
Robert Strettell,

The Minutes of the preceeding Council were read and approved.

The Governor having received a Message from the Assembly, and having likewise sent an other to the House by his Secretary, the same were read, and are as follows:

A Message to the Governor from the Assembly.

"May it please the Governor—

"When by our late Message we took notice that the Bill which now lyes before the Governor wanted Amendment, for that the time appointed for the Commencement of the Trust thereby intended to be reposed was expired, it was done with Intent the Amendment necessary might be proposed by the Governor, which we doubt not he will agree with us may, if he pleases, be done in a Parliamentary Manner.

"We are also of Opinion that it will be for the Interest of Our Constituents to make further Provision concerning the Excise Act, and we have a Bill before us to this Purpose; and we hope these Bills, and such others as shall be truly usefull to the Province, when offered, will meet with the Governor's assent, And we, on our Part, shall then Chearfully make Provision for his Support for the Current Year, equal to any granted for the like Time to either of his immediate Predecessors."

A Message from the Governor to the Assembly.

"Gentlemen:

"I have had your Message of the fifteenth Instant under Consideration. After the Trouble and Pains I have taken to reconcile the Neigh-

boring Governments and the Indians of the six Nations, no man can doubt of my Zeal for the Good of the Publick. You yourselves, if I may be allow'd to Judge from your Messages, have been sensible of it. But my presence at the ensuing Treaty does not appear to me to be either so necessary or convenient as you think it. My Mediation was offered to prevent future Hostilities between the Government of Virginia and those Indians, and to settle the Time and Place of their Meeting for a Treaty; both which have been happily effected. The Governor of Virginia is not to be at the Treaty himself, nor has he desired it of me, from whence I have Reason to conclude that my Interposition will be thought by the Commissioners from that Government rather impertinent than necessary. The Government of Maryland has engaged to make the Indians satisfaction for some Lands claimed by them; So nothing remains to be done on that Head but to agree on the Value of those Lands, in which that Governor has not asked any Assistance of mine. As to the Murder of Armstrong and his two Men, since the Criminal is now in Goal, and it appears not improbable to you that he was the only Person who Committed the barbarous facts, a Message from me to the Chiefs of the Indians at Lancaster, insisting upon the Restoration of the Goods belonging to the Deceased, Seems to me to be all that is now necessary. But what more particularly determines me against the Journey at this Time, is a Letter I was Yesterday honoured with from the Governor of New York, enclosing a Transcript from the London Gazette, which by my order was immediately laid before you. From hence it is not be Doubted but that a Warr against France is declared, and that His Majesty's orders and Instructions thereupon are on the way to his Several Governors upon the Continent of America; And I think I shall be more in my Duty to attend their Arrival in this City, where I may better concert Measures with the Council, and issue such orders as shall be immediately thought requisite for the Security of this his Majesty's Colony. As you have hitherto refused to make any Provision against an Event which has been generally foreseen, and particularly mentioned by their Excellencies the Lord's Justices in his Majesty's absence from his British Dominions, I fear I am to expect little from you. In that Event, however, I shall think it my Duty to call you together, that in case of your Perseverance in so dangerous a Resolution, I may give his Majesty an Account of Our Defenceless Condition, and, agreeable to his Royall Instruction now before me, of what I apprehend is necessary for the Security of the Province.

"I do concur with Your Message of the Seventeenth Instant that it will be for the Interest of your Constituents to Renew the Excise Bill; and my Reason is, that you may be thereby Provided with Money, without a General Tax on the Inhabitants, not only to Purchase Arms, Ammunition, &c[a] for your own Defence, but to answer such Demands as may be made upon you by his Majesty for Dis-

tressing the publick Enemy in America. And if you will expressly appropriate the Sums arising from the Excise to these Purposes, I will most chearfully pass the Bill, and give up my own Arrears, tho' so justly due to me—the Support of the Government having been the Principal foundation both of the Excise and Paper-money acts."

"GEO. THOMAS.

"May the 18th, 1744."

The Governor having received from the Assembly Two Bills, one Entitled a Bill for the New appointment of Trustees, &c^a^ And the other for laying an Excise on all Wine, Rum, Brandy, and other Spirits, the same were read, and some amendment being proposed, the Secretary was immediately sent by his Honor to the Assembly with the Bills and proposed Amendments.

At a Council held at Philadelphia, the 26th day of May, 1744.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

Thomas Laurence, William Till, } Esqrs.
Robert Strettell, }

The Minutes of the preceeding Council were read and Approved.

Then the Governor informed the Board that the Assembly had Yesterday returned the two Bills and Amendments, and had agreed to some of them; but in that proposed in the Excise Bill the House adhered to the Bill. That he had immediately returned the Bill by his Secretary, adhering to the Amendments proposed to the Excise Bill; And that he had received this morning a Message from the Assembly by two of their Members, acquainting him that the House agreed to amend the Excise Bill in the manner proposed by him, and desired he would appoint two Members of his Council to Join with some of the House in comparing the Engrossed Bills, that they might be ready to be passed into Laws. And the Bills being agreed to, Mr. Laurence and Mr. Till were desired to compare the Engrossed Bills with the first Copies; and they reported that they had Examined them, and found them to agree.

The Governor having received the following Message from the House, the Same was read, and is as follows:

"May it please the Governor:

"We are very sensible of the Trouble and Pains the Governor hath taken to reconcile the Neighbouring Governments and the Indians of the Six Nations; and We hope the same Generous Motives will induce him to continue his Mediation until the Differences which Subsist between them are entirely adjusted. For altho' we

make no question the Gentlemen Comissionated by those Governments will acquit themselves with that Prudence and Circumspection the case requires, yet as they are strangers to the Indians it is to be feared their Endeavours will not be attended with that success which the Governor's Presence at the Treaty, and the Confidence the Indians repose in him might afford them. As, therefore, it may not only facilitate the composing of those differences, and give an opportunity of further enquiry concerning the Murder of Armstrong and his two men, but also renewing our Friendship with the Indians of the Six Nations, of giving them Notice of the War with France, and exciting them to be steady in the Interest of Great Britain, we hope the Governor will be prevailed on to undertake the Journey—it being, as we conceive, an affair of such Importance to the Peace of the Province as will sufficiently Justify the Governor's Absence, and not Deprive him of the Opportunity of Executing any orders and Instructions he may Receive from the Crown. Nor need the Governor be under any Fear but that whenever those orders shall arrive, the Representatives of the Freemen of Pennsylvania, so far forth as shall relate to them, will pay all the Regard which becomes loyall faithful Subjects, consistent with their Religious Principles, to the Command of the Crown.

"As to that Part of the Governor's Message which relates to the Excise, the Bill being since agreed to, and the Appropriation of the Money to Arise thereby settled, it will be unnecessary to any thing concerning that Matter."

The two Members who delivered the above Message having informed his Honour the House desired to know when he would receive them in order to Enact the Bills into Laws, and the Governor having appointed them to wait on him immediately, the House with their Speaker came up and presented the two following Bills (viz^{t}): One Entitled an Act for the new Appointment of Trustees of the General Loan Office of Pennsylvania, and for making Current £10,000 in new Bills of Credit, to exchange such of those now by Law Current as are torn and defaced; And the other Entitled An Act for laying an Excise on all Wine, Rum, Brandy, and other Spirits.

Which the Governor passed into Laws, and Appointed Thomas Laurence and Wm. Till, Esqrs., in Conjunction with a Committee to the Assembly, to see the Great Seal affixed to the Same.

The Speaker then delivered to the Governor two Orders of Assembly, the one upon the Trustees of the Loan Office for £500, and the other upon the Provincial Treasurer for £500, and say'd that tho' the House Apprehended some other Laws would be necessary to be passed before the Expiration of the Year, yet as a Mark of Confidence they reposed in the Governor, they had given the whole Current Years' Support at this Time. To which the Governor was pleased to say, That he ever disliked bargaining for Laws; That Confidence naturally begets confidence; That the Allowance now

made him of the whole Support for the Current year, for which he returned his thanks to the House, so far from obstructing his Assent to any reasonable and necessary Bills, would rather be an inducement to him to exceed their Expectations in this Respect; That he had thoughts of sending a Message to them on Indian Affairs, but that this Opportunity of expressing his Sentiments relating to them rendered it unnecessary; That soon after War should be declared against the French, which he daily expected his Majesty's Commands for, he was determined to go to Lancaster and assist the Commissioners of the Governments of Virginia and Maryland in composing their Differences with the Indians of the Six Nations, and to renew our Friendship with the Indians; and that they might Depend on his doing every thing there in his Power for the Good of the Province.

MEMORANDUM.

Two Members of the Assembly the same day waited on the Governor to acquaint him the House proposed to Adjourn to the 30th of July next, To which his Honour said he had no objection.

At a Council held at Philadelphia the 11th June, 1744.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

Thomas Laurence,	Samuel Hasell,	Esquires.
Ralph Assheton,	William Till,	
Abraham Taylor,	Robert Strettell,	

The Governor having received by Express a Letter from his Grace the Duke of Newcastle, his Majesty's Principal Secretary of State, inclosing his Majesty's Declaration of War against the French King, and likewise his Majesty's most Gracious Declaration for the Encouragement of his Ships of War and Privateers, the same were read and are as follows:

"The Duke of Newcastle's Letter to the Governor.

"Whitehall, March 31st, 1744.

"Sir:

"The French King having Declared War against his Majesty (as you will see by the Inclosed copy of His Declaration for that purpose, which is full of the Grossest and most indecent Misrepresentations and Reflections upon his Majesty's conduct), I am to acquaint you, by his Majesty's Command, that on Thursday last, the 29th instant, a Great Council was held at St. James's, where his Majesty approved and has Since Signed a Declaration of War

against the French King, and Ordered that the Same should be Published on this day by the Heralds at Arms in the usual Places and with the accustomed formalities on the like Occasions, which has been done accordingly. I send you inclosed a printed Copy of the said Declaration, and am Commanded to Signify to you His Majesty's Pleasure, 'That you cause it to be Proclaimed in the Province under your Government, that his Majesty's Subjects having this Notice may take care to prevent any Mischief which otherwise they might Suffer from the Enemy, and do their duty in their Several Stations to distress and Annoy the Subjects of the French King.' And his Majesty would have you be very rigorous and Severe in preventing any Amunition or Stores of any kind from being carried to them; And you are to use all Proper Methods that may be most effectual for that purpose.

"I send you Inclosed His Majesty's Proclamation for the Distribution of Prizes taken by his Majesty's Ships of War or Privateers, which you will take care may be Published in the Province under your Government; And you will do every thing in Your Power to Encourage His Majesty's Subjects to fit out Ships to Act as Privateers against the Enemy; And you will, upon the Receipt of this Letter, take all opportunitys, as far as Depends upon you, to distress and Annoy the French in their Settlements, Trade, and Commerce.

"I am, Sir, Your most obedient humble Servant,

"HOLLES NEWCASTLE."

"His Majesty's Declaration of War against the French King.

"George R.:

"The Troubles which broke out in Germany on account of the Succession of the late Emperor Charles the Sixth, having been begun and carried on by the Instigation, Assistance, and Support of the French King, with a View to Overturn the Ballance of Power in Europe, and to Extend the dangerous Influence of that Crown in direct Violation of the Solemn Guaranty of the Pragmatic Sanction given by him in the year One thousand Seven hundred and thirty-eight, in Consideration of the Cession of Lorraine, and We having on Our Part executed Our Engagements for Maintaining the Pragmatic Sanction with that good Faith which is inseperable from Us, and having opposed the Attempts made against the Dominions of the Queen of Hungary, We are not Surpris'd That Our Conduct in this Respect should have drawn upon Us the Resentment of the French King, Who has found his Ambitious Views in a great Measure disappointed by the Assistance We have furnished to Our Ally, unjustly attacked by him, or that he should alledge it as a principal Reason for declaring War against Us.

"From the Time that We found Ourselves obliged for the Mainten-

ance of the Just Rights of Our Subjects to enter into a War with Spain instead of observing a Strict Neutrality, which We might have Promised Ourselves on the Part of the French King, from whom We were even founded by Treaty to have demanded assistance, he has given Encouragement to Our Enemy's by conniving at his Subjects acting as Privateers under Spanish Commissions, both in Europe and America, and by Sending, In the Year One thousand Seven hundred and forty, a Strong Squadron into the American Seas, in Order to prevent Us from prosecuting the just War which we were carrying on against Spain in those Parts; and We have the most Authentick Proof that an Order was given to the Commander of the French Squadron not only to Act in a hostile Manner against Our Ships, either jointly with the Spaniards or seperately, but even to concert Measures with Our Enemies for attacking One of Our Principal Dominions in America; a Duplicate of that Order, dated the Seventh of October, One thousand Seven hundred and forty, having fallen into the Hands of the Commander in Chief of our Squadron in the West Indies. This injurious Proceeding was greatly aggravated by the French Minister at our Court having Declared on Occasion of sending the said Squadron that the French King was very far from having any Design or Intention of breaking with Us.

"The same offensive Conduct was continued on the part of the French King toward Us by his Squadron in the Mediterranean, in the Year One thousand Seven hundred and forty-one, joining with and protecting the Ships of Our Enemy's, in Sight of Our Fleet, which was preparing to attack them.

"These unwarrantable Proceedings, the notorious Breach of Treaties by repairing the Fortifications and erecting New Works at Dunkirk, the open Hostilities lately committed against our Fleet in the Mediteranean, the affront and Indignity offered to Us by the Reception of the Son of the Pretender to our Crown in the French Dominions, the Embarkation actually made at Dunkirk of a Considerable Body of Troops, notoriously designed for an Invasion of this Kingdom in Favour of the Pretender to Our Crown, and the Sending a Squadron of French Ships of War into the Channel to Support the said Embarkation and Invasion, will be lasting Monuments of the Little Regard had by the French Court for the most solemn Engagements, When the Observance of them is inconsistent with Interest, Ambition, or Resentment.

"We cannot omit taking notice of the unjust Insinuations contained in the French King's Declaration of War against Us, with respect to the Convention made at Hanover in October, One thousand Seven hundred and forty-one. That convention, regarding Our Electorate only, had no Relation to Our Conduct as King of Great Britain. The Allegations concerning it are groundless and *Injurious—Our Proceedings* in that Respect having been perfectly

consistent with that good Faith which We have always made the Rule of Our Actions.

"It is unnecessary to mention the Objections made to the Behaviour of Our Ministers in Foreign Courts, since it is notorious that the principal View and Object of the Negotiations of the French Ministers in the Several Courts of Europe have been either to Stirr up intestine Commotions in the Countries where they Resided, or to create Differences and Misunderstandings between them and their respective Allies.

"The Charge of Piracy, Cruelty, and Barbarity, against Our Ships of War, is equally unjust and unbecoming; and We have all such Proceedings so much in abhorrence, that if any Practices of that Nature had been made appear to Us, We should have taken effectual Care to put a Stop to them, and to have punished the Offenders in the Severest Manner.

"We being, therefore, indispencibly obliged to take up Arms, and entirely relying on the Help of Almighty God, who knows the Uprightness of our Intentions, have thought fit to declare, and do hereby Declare War against the French King; and We will, in pursuance of such Declaration, vigorously prosecute the Same by Sea and Land, being assured of the ready Concurrence and assistance of all Our Loving Subjects in so just a Cause; And we do hereby Will and require Our Generals and Commanders of Our Forces, Our Commissioners for executing the office of High Admiral of Great Britain, Our Lieutenants of Our Several Counties, Governors of Our Forts and Garrisons, and all other Officers under them, by Sea and Land, to do and execute all Acts of Hostility in the prosecution of this War against the said French King, his Vassals and Subjects, and to oppose their Attempts; willing and requiring all Our Subjects to take notice of the same, whom We henceforth strictly forbid to hold any Correspondence or Communication with the Subjects of the French King: And We do hereby command Our own Subjects, and Advertise all other Persons of what Nation soever, not to transport or carry any Soldiers, Arms, Powder, Ammunition, or other Contraband Goods to any of the Territories, Lands, Plantations, or Countries of the said French King; declaring that whatsoever Ship or Vessel shall be met withal transporting or Carrying any Soldiers, Arms, Powder, Ammunition, or other Contraband Goods to any of the Territories, Lands, Plantations, or Countries of the said French King, the same being taken shall be condemned as good and Lawfull Prize. And whereas there are Remaining in Our Kingdoms diverse of the Subjects of the French King, We do hereby declare Our Royal intention to be, that all the French Subjects who shall demean themselves dutifully towards Us, Shall be Safe in their Persons and Estates.

"Given at our Court at St. James', the Twenty-ninth day of March, 1744, in the Seventeenth Year of Our Reign.

"GOD SAVE THE KING."

"His Majesty's most Gracious Declaration For the Encouragement of His Ships of War and Privateers.

"George R.:

"WHEREAS, We are engaged in a just and necessary War against France, and are resolved to Prosecute the Same with the utmost Vigour, in which, next to the blessing of Almighty God, We rely upon the experienced Fidelity, Zeal, and Courage of Our Subjects; And being most graciously inclined to give all Encouragement to Our Faithfull Subjects Serving on Board Our Ships of War or Privateers, We have thought fit, by Advice of our Privy Council, to publish and declare, and do by this, Our Royal Declaration, grant That the Flag Officers, Commanders, and Officers, Seamen, Marines, and Soldiers, on Board every Ship or Vessel of War in our Pay, and on Board Privateers, shall have the Sole Interest and Property of and in all and every Ship, Vessell, Goods, and Merchandizes and Effects Which they shall take during the continuance of this War against France, being first adjudged lawful Prize, in any of Our Courts of Admiralty of Great Britain or Ireland, or any of Our Plantations in America, or other the Dominions of Great Britain, but Subject to the Payment of all such or the like Customs and Duties as the same are now or would have been lyable to if the same were or might have been imported as Merchandizes, to be divided and distributed in such Proportions and after such Manner and on such Terms and Conditions as are herein after expressed concerning the same; that is to say, That the neat Produce of all such Prizes be divided into Eight equal Parts and be distributed as followeth, viz^{t}: To the Captain or Captains of any of Our Ships of War who shall be actually on Board at the taking of any Prize, Three-Eighth Parts; but in case any Prize shall be taken by any Ship or Ships of War under the Command of a Flag or Flags, the Flag Officer or Officers being actually on Board, or directing and Assisting in the Captures, Shall have one of the s^{d} three-Eighth Parts; To the Captains of Marines and Land Forces, Sea Lieutenants, and Master on Board any such Ships, One-Eighth Part, to be equally divided among them; To the Lieutenants and Quarter-Master of Marines, and Lieutenants, Ensigns, and Quarter-Masters of Land Forces, Boatswain, Gunner, Purser, Carpenter, Master's Mate, Surgeons, and Chaplain, on Board any such Ship, One-Eight Part, to be equally divided among them; To the Midshipmen, Carpenter's Mates, Boatswain's Mates, Gunner's Mates, Master-at-Arms, Corporals, Yeomen of the Sheets, Coxswain, Quarter-masters, Quartermasters' Mates, Surgeons' Mates, Yeomen of the Powder Room, and Serjeants of Marines or Land Forces on Board any Such Ships, One-Eighth Part, to be equally divided among them; To the Trumpeters, Quarter-gunners, Carpenters' Crew, Steward, Cook, Armourer, Steward's Mate, Cook's Mate, Gunsmith, Cooper, Swabber, or-

dinary Trumpeter, Barber, Able Seamen, ordinary Seamen, and Marine or other Soldiers, Two-Eighth Parts, to be equally divided among them. And in case any Sea Captain, inferior Commission or Warrant Sea officers, belonging to any Ship of War for whom any Shares of Prizes are hereby allow'd, be absent and not on Board at the time of the Capture of any Prize, the Share of such Sea Captain, inferior Commission or Warrant Sea Officer, shall be cast into the Shares hereby allow'd to the Trumpeter, Quarter-gunners, Carpenter's Crew, Steward, Cook, Armourer, Steward's Mate, Cook's Mate, Gunsmith, Cooper, Swabber, ordinary Trumpeter, Barber, able Seamen, ordinary Seamen, and Marines or other Soldiers, to be equally divided among them: Provided, that if any Officer or Officers on Board any of our Ships of War at the time of taking any such Prizes shall have more Commissions or Offices than One, he or they shall be entitled only to the Share or Shares of such Prizes which, according to the above mentioned distribution, shall belong to his or their respective Superior Commissions or Offices. And We do hereby strictly enjoin all and every Commander and Commanders of any Ships of War taking any Prize, as soon as may be, to transmitt, or cause to be transmitted, to the Commissioners of Our Navy, a true list of the Names of all the Officers, Seamen, Mariners, Soldiers, or others who were actually on Board our Ships of War under his or their Command at the taking such Prize; which List shall contain the Quality of the Service of each Person on Board, and be Subscribed by the Captain or Commanding Officer and three or more of the Chief Officers on Board. And We do hereby require and direct the Commissioners of Our Navy, or any three or more of them, after Condemnation of such Prize, to examine or cause to be examined such List by the Muster-Books of such Ships of War and Lists annexed thereto, to see that such List doth agree with the said Muster-Book and annexed Lists as to the names, qualitys, or ratings of the Officers, Seamen, Mariners, Soldiers, and others belonging to such Ships of War: and upon Request, forthwith to grant a Certificate of the Truth of any List transmitted to them to the Agent nominated and Appointed by the Captors to take care or dispose of such Prize; and also, upon Application to them, to give, or cause to be given, unto the Agents who shall at any time or times be appointed as aforesaid by the Captors of any Prizes taken by any of Our Ships of War, all such Lists from the Muster-book of any such Ships of War and annexed Lists as the said Agents shall find requisite for their Direction in paying the Produce of such Prizes, and to be otherwise aiding and assisting to the said Agents as shall be necessary: And whereas, We have impowered the Lords' Commissioners of the Admiralty to grant Letters of Marque or Commissions for Privateers to such Persons as they shall think fitly qualify'd in that Behalf, according to the Treaties between Us and Our allies, We do, for Encouragement of such Privateers, further declare, That all Prizes taken by

any Privateer, brought into Port According to Our Instructions in that Behalf, shall, unless otherwise decreed by the Court of Admiralty, be continued in the Possession of the Privateer, having only Custom-house Officers on Board, as is usual in Merchant Ships to secure the Duties; and such Ship, Vessel, and Goods being condemned as lawfull Prize, and duly Inventoried and Appraised by such Persons as shall be lawfully Authorized in that Behalf, the same shall be delivered to or remain with the Captor thereof, or such Persons as are intrusted therein, to be disposed of by him or them as he or they shall think fit; they first satisfying, paying, or Securing to Us such Customs and duties as aforesaid. And in regard Privateers are set forth and manned at the Charges of the Particular Owners thereof, who make agreements with their Seamen what Shares and Proportions each man on Board Such Privateer shall have of any Prize which shall be taken, and it will not be reasonable that any Seaman or Person on board such Privateers should be intitled to any thing otherwise than according to the particular Agreements he shall have Signed to such Owner or Owners, We do hereby ratify and Confirm all and every such Contracts and Agreements Which shall be entered into upon the putting forth any Such Privateer; And We do hereby Declare that every Article and thing Which shall be contained in such Contract, Stipulations, and Agreements relating to the Distribution of such Prizes amongst themselves shall be as firm, Valid, and Effectual as if they had been set forth in this Declaration; And We do hereby further Declare and Direct that public Notification shall be given by the Persons or Agents so appointed for Prizes taken by any of Our Ships of War of the Day appointed for the payment of the Several Shares to the Captors, after which public Notification if any Men's Shares shall remain in the Hands of the Persons or Agents appointed as aforesaid, and shall not be legally demanded within three years, then such share or Shares so remaining in such Persons or Agents Hands shall go and be paid to the Use of Greenwich Hospital. And to the end that all Persons who are or shall be intitled to any such share or Shares may have due Notice of the Time of Payment thereof, so as to make their Claims thereunto in due time, We do hereby require that the Persons or Agents which shall be appointed to make such Sales, shall give Notice of the Day and Place which shall be by them appointed for the Payment of the Several Shares to the Captors in the London Gazzette three several successive Times. And to the End the Governors of Greenwhich Hospital may know who are the Persons or Agents employed to Receive and Pay the Several Shares of such Persons as were on Board the Ship and ships at the time of taking any Prize, so as to demand the Shares of such Captors who shall not Legally make their demand within three Years, We do hereby Direct that a true List of the Names of such Persons as shall be so appointed Agents for the Purposes aforesaid shall be forthwith certify'd to the Governor or Deputy Governor for the time being, of

the said Hospital by Our High Court of Admiralty, which is hereby required to take an Account of the Names of such Persons as are or shall be so appointed Agents.

"Given at Our Court at St. James', the twenty-ninth day of March, 1744, in the Seventeenth Year of Our Reign.

"GOD SAVE THE KING."

The Governor then laid before the Board a Draught of a Proclamation which he thought proper to issue on this Occasion; and being approved, it was signed by his Honour and ordered to be entered.

"By the Honourable GEORGE THOMAS, Esqr., Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of New Castle, Kent, and Sussex, on Delaware.

"A PROCLAMATION.

"WHEREAS, His Majesty from a just Resentment of the Grossest and most indecent Misrepresentations and Reflections upon his Majesty's Conduct, contained in the French King's Declaration against his Majesty, hath by his Declaration dated at St. James', the 29th Day of March last, declared War against the French King: And *Whereas*, His Majesty hath Signified to Me that It should be Proclaimed in the Province under my Government, that His Subjects having this Notice may take care to prevent any Mischief which they might otherwise suffer from the Enemy, and do their duty in their several Stations to distress and annoy the Subjects of the French King; and the said Declaration hath been this day Proclaimed accordingly: I do, with the Advice of the Council, issue this Proclamation, strictly enjoyning and requiring all His Majesty's Subjects in this Province capable of bearing Arms, forthwith to provide themselves with a Good Firelock, Bayonet, and Cartouch Box, and with a Sufficient Quantity of Powder and Ball, that they may be prepared not only to defend this His Majesty's Province and their own Persons, Families, and Estates, but to annoy the Enemy in case it shall be thought proper to attack them; and that they do pay due obedience to such Orders as they shall from time to time receive from me for these Ends, or from such Officers as have been or shall be by me appointed to command them.

"And *Whereas*, His Majesty, hath been pleased to direct that I be very rigorous and severe in preventing any Ammunition or Stores of any kind from being carry'd to the Enemy, I do hereby Declare that in case any of His Majesty's Subjects under my Government shall be found carrying or transporting any Arms, Powder, Ammunition, or Stores to, or holding any Correspondence or Communication with the Subjects of the French King, they shall be most rigorously and Severly Prosecuted and Punished for the Same. And the Collectors of his Majesty's Customs, Naval Officers, and all other Officers whatsoever, are hereby required to be very diligent and Circum-

spect in their Several Stations, in order to prevent or discover such Practices.

And *Whereas*, It is His Majesty's further Pleasure that I do every thing in my Power to encourage the fitting out Ships to Act as Privateers against the Enemy, and that I do take all Opportunitys, as far as depends upon me, to distress and Annoy the French in their Settlements, Trade, and Commerce, His Majesty having already issued his Royal Proclamation for the Distribution of Prizes taken by his Ships of War or Privateers, I do invite all His Majesty's Subjects under my Government to receive the Benefit of this most gracious Declaration, by fitting out such Privateers, Which will not only be greatly for his Majesty's Service, but may bring great advantages to the Adventurers themselves. And being my self most heartily disposed to do every thing that may be for his Majesty's Honour and the Interest of this Province, I do hereby Declare that I will most readily give all the Encouragement and Assistance that in me lyes to every such undertaking.

"Given under my Hand and the Great Seal of the Province of Pennsylvania, at Philadelphia, the Eleventh day of June, in the Eighteenth year of His Majesty's Reign, and in the Year of Our Lord, One thousand seven hundred and forty-four.

"GEO. THOMAS.

"By Command.

"Richard Peters, Sec'ry.

"GOD SAVE THE KING."

At a Council held at Philadelphia, the Eighteenth day of June, 1744.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

Samuel Hasell, Thomas Laurence,
Ralph Assheton, Abraham Taylor,
Robert Strettell, } Esqrs.

The Minutes of the preceeding Council were read and approved.

The Governor invited the Council to accompany him to the Indian Treaty at Lancaster, and having Prepared Draughts of the several matters he intended to speak to the Indians upon, the Same were read and approved.

At a Council held at Philadelphia, the 24th day of July, 1741.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

Clement Plumsted, Abraham Taylor, Samuel Hasell, Robert Strettell, William Till, } Esqrs.

The Minutes of the preceeding Council were read and approved.

The Governor laid before the Board the Minutes of the Treaty held with the Indians at Lancaster, and the same was ordered to be inserted in the Council Book, and is as follows:

A TREATY

Held at the Town of Lancaster, in Pennsylvania, by the Honourable the Lieutenant Governor of the Province and the Honourable the Commissioners for the Provinces of Virginia and Maryland With the Indians of the Six Nations, in June, 1744:

In the Court House in the Town of Lancaster, on Friday, the 22d June, 1744.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor of the Province of Pennsylvania and Counties of New Castle, Kent, and Sussex on Delaware.

The Honourable Thomas Lee, Esqr., Colonel William Beverly, } Commissioners of Virginia.

The Honourable Edmund Jenings, Philip Thomas, Esq^r. } Commissioners of Maryland.

Colonel Robert King.

Colonel Thomas Calvil.

The Deputies of the Onondagoes, Senecas, Cayogoes, Oneidas, and Tuscaroraes.

Conrad Weiser, Interpreter.

The Governor and the Commissioners took some of the Indian Chiefs by the Hand, and after they had seated themselves the Governor bid them Welcome into the Government, and there being Wine and Punch prepared for them, the Governor and the Several Commissioners drank Health to the Six Nations, and Canassatego, Tachanoontia, and some other Chiefs, returned the Compliments, drinking the Healths of *Onas, †Assaraquoa, and the Governor of Maryland.

After they were all served with Wine, Punch, Pipes, and Tobacco,

* Onas, the Governor of Pennsylv^a.
† Assaraquoa, the Gover^r. of Virginia.

the Governor told the Indians that as it was customary and indeed necessary they should have some time to rest after so long a Journey, and as he thought three days would be no more than sufficient for that purpose, he proposed to speak to them on monday Next, after which the Honourable Commissioners would take their own time to deliver what they had to say.

Canassatego answered the Governor, "We thank you for giving us time to rest, we are come to you, and shall leave it intirely to you to appoint the time when we shall meet you again.

"We likewise leave it to the Governor of Maryland, by whose invitation we came here, to appoint a time when he will please to mention the reason of his inviting us. As to our Brother Assaraquoa, we have at this present time nothing to say to him, not but we have a great deal to say to Assaraquoa, which must be said at one time or another, but not being satisfied whether He or We should begin first, we shall leave it wholly to Our Brother Onas to adjust this between Us, and to say which shall begin first."

In the Court House at Lancaster, June the 25th, 1744, A. M.

PRESENT:

The Honourable George Thomas, Esq., Governor, &c.

The Honourable the Commissioners of Virginia.

The Honourable the Commissioners of Maryland.

The Deputies of the Six Nations.

Conrad Weiser, Interpreter.

The Governor Spoke as follows:

"Honourable Gentlemen, Commissioners of the Governments of Virginia and Maryland,

"And Brethren Sachims, or Chiefs of the Indians of the Six Nations—

"At a Treaty held by me two Years ago, in Behalf of the Government of Pennsylvania, with a Number of the Chiefs of the Indians of the Six Nations, I was desired by them to write to the Governor of Maryland concerning some Lands in the Back Parts of the Province which they claim a Right to from their Conquests over the Antient Possessors, and which have been settled by some of the Inhabitants of that Government without their Consent or any Purchase made from them. It was at that time understood that the Claim was upon Maryland only, but it has since appeared by some Letters formerly wrote by Mr. President Logan to the late Governor of Maryland that it related likewise to some Lands in the Back parts of Virginia. The Governors of those Colonies soon manifested a truly equitable Disposition to come to any Reasonable Terms with the Six Nations on Account of those Lands, and Desired that for

that End a Time and Place might be fixed for a Treaty with them. But before this could be effected, an unfortunate Skirmish happen'd in the Back Parts of Virginia, between some of the Militia there and a Party of the Indian-Warriors of the Six Nations, with some loss on both sides. Who were the Agressors is not at this time to be discussed—both Parties having agreed to bury that affair in oblivion; and the Government of Virginia having, in token of the continuance of their Friendship, presented the Six Nations, through my hands, with Goods to the value of one hundred pounds sterling, To prevent further Hostilities and to heal this Breach, I had, before the Present was given, made a tender of my Good offices, which both Parties accepted, and consented, on my Instances, to lay down their Arms; since which the Faith pledged to me has been mutually Preserved, and a Time and Place has been agreed upon through my Intervention for accomodating all Differences, and for setling a firm Peace, Union, and Friendship, as well between the Government of Virginia as that of Maryland and the Indians of the Six Nations.* The Honourable the Commissioners for these two Governments and the Deputies of the Six Nations are now met at the Place appointed for the Treaty. It only remains, therefore, for me to say, that if my farther good Offices shall be thought usefull for the accomplishment of this Work, you may Rely most assuredly upon them.

"But I hope, Honourable Gentlemen Commmissioners, it will not be taken amiss if I go a little further, and Briefly represent to you how especially necessary it is at this Juncture, for His Majesty's Service and the Good of all His Colonies in this Part of His Dominions, that Peace and Friendship be established between Your Government and the Indians of the Six Nations.

"These Indians by their Situation are a Frontier to some of them, and from thence, If Friends, are Capable of Defending their Settlements; If Enemies, of making Cruel Ravages upon them; If Neuters, they may deny the French a Passage through their Country, and give us timely Notice of their Designs. These are but some of the Motives for cultivating a good Understanding with them, but from hence the Disadvantages of a Rupture are abundantly evident. Every advantage you gain over them in War will be a Weakning of the Barrier of those Colonies, and Consequently will be in Effect Victories over yourselves and your Fellow-Subjects. Some allowances for their Prejudices and Passions, and a Present now and then for the Relief of their Necessities, which have in some measure been brought upon them by their Intercourse with Us, and by our yearly extending our Settlements, will probably tye them more closely to the British Interest. This has been the Method of Newyork and Pennsylvania, and will not put you to so much Expence in Twenty Years as the carrying on a War against

* This was allow'd at a Conference had by the Governor with the Commissioners to be a just state of the Transactions preceeding the Treaty.

them will do in One. The French very well know the Importance of these Nations to Us, and will not fail by Presents and their other usual Arts to take advantage of any Misunderstandings we may have with them.*

"But I will detain You, Gentlemen, no longer. Your own Superior knowledge will suggest to You more than I can say on this Subject.

"Friends and Brethren Sachims or Chiefs of the Indians of the Six Nations:

"These, Your Brethren of Virginia and Maryland, are come to enlarge the Fire, which was almost gone out, and to make it burn clearer to brighten the Chain which had contracted some rust, and to renew their Friendship with you which it is their desire may last so long as the Sun, the Moon, and the Starrs shall give light. Their Powers are derived from the Great King of England your Father, and whatever conclusions they shall come to with you will be as firm and Binding as if the Governors of these Provinces were themselves here. I am your Brother, and which is more, I am your true Friend. As you know from Experience that I am so, I will now give you a few words of Advice: Receive these your Brethren with open Arms; Unite yourselves to them in the Covenant Chain, and be you with them as one Body and one Soul. I I make no doubt but the Governor of Canada has been taking pains to widen the Breache between these your Brethren of Virginia and you; but as you cannot have forgot the Hatred the French have always borne to your Nations, and how kindly on the contrary you have been treated, and how Faithfully you have been protected by the Great King of England and his Subjects, you will not be at a loss to see into the Designs of that Governor. He wants to divide you from Us, in order the more easily to destroy you, which he will most certainly do if you suffer yourselves to be deluded by him.

"As to what relates to the Friendship establish'd between the Government of Pennsylvania and your Nations, I will take another day to speak to you upon it.

"To enforce what has been said, the Governor laid down a Belt of Wampum, upon which the Indians gave the †Jo-hah.

"After a Short Pause, the Governor ordered the Interpreter to tell the Indians that as they had greatly exceeded their appointed

* The two preceeding Paragraphs were allow'd by the Commissioners of Virginia, whilst they were at Philadelphia, to be very Proper to be spoken by the Governor of Pennsylvania at the opening of the Treaty, but taking up an Opinion from what passed at the first Friendly Interview with the Indians, that they would not make any Claim upon Lands within the Government of Virginia, the Governor consented to decline speaking to them in the Presence of the Indians.

† The Jo-hah denotes Approbation, being a loud shout or Cry, consisting of a *few Notes pronounced* by all the Indians in a very Musical manner *in the nature of Our Huzza's.*

time for meeting the Commissioners, he recommended to them to Use all the Expedition possible in giving their Answer to what had been said, that they might forthwith proceed to treat with the respective Commissioners on the Business they came about.

"Then Canassatego repeated to the Interpreter the Substance of what the Governor had Spoke, in order to if he had understood him right [A Method generally made use of by the Indians], and when the Interpreter told him he had taken the true Sense, Canassatego proceeded to return the Thanks of the Six Nations for the Governor's kind advice, promising to follow it as far as lay in their Power; but as it was their Custom when a Belt was given to return another, they would take time 'till the afternoon to provide one, and would then give their answer."

In the Court House at Lancaster, June 25th, 1744, P. M.

PRESENT:

The Honourable GEORGE THOMAS, Esq^r^ Governor, &^c^

The Honourable the Commissioners of Virginia.

The Honourable the Commissioners of Maryland.

The Deputies of the Six Nations.

Conrad Weiser, Interpreter.

Canassatego's Answer to the Governor's Speech delivered in the Morning:

"Brother Onas—

"You spoke in the Presence of Assaraquoa and the Governor of Maryland to Us, advising Us to receive them as our Brethren, and Unite with them in the Covenant Chain as one Body and one Soul. We have always considered them as Our Brethren, and as such shall be willing to brighten the Chain of Friendship with them; But since there are some disputes between Us respecting the Lands Possessed by them which formerly belonged to Us, We, according to Our Custom, Propose to have those differences first adjusted, and then We shall Proceed to Confirm the Friendship subsisting between Us, which will meet with no Obstruction after these matters are Settled."

Here they presented the Governor with a Belt of Wampum, in return for the Belt given them in the Morning by the Governor, and the Interpreter was ordered to return the Jo-hah.

Then the Governor in Reply spoke as follows:

"I receive your Belt with Great kindness and affection, and as to what Relates to the Governments of Virginia and Maryland, the Honourable Commissioners now Present are ready to Treat with you. I shall only add that the Goods for the Hundred Pounds

Sterling put into my Hands by the Governor of Virginia is a token of his Good Dispositions to Preserve friendship with you, are now in Town and ready to be delivered, in consequence of what was told you by Conrad Weiser when he was last at Onondago."

Then the Governor turning to the Commissioners of Virginia and Maryland, say'd : "Gentlemen—I have now finished what was incumbent upon me to say by way of Introduction to the Indians, and as you have full Authority from your respective Governments to Treat with them, I shall leave the rest entirely to you, and either stay or withdraw as you shall think it most for your Service."

The Commissioners say'd they were all of Opinion it would be for their Advantage that the Governor should stay with them, and, therefore, they unanimously desired they would favour them with the Continuance of his Presence whilst they should be in a Treaty with the Indians, which His Honour said He would at their Instance very readily do, believing it might expedite their Bussiness and prevent any Jealousy the Indians might conceive at his Withdrawing.

The Commissioners of Maryland order'd the Interpreter to acquaint the Indians that the Governor of Maryland was going to Speak to them, and then spoke as follows :

"Friends and Brethren of the United Six Nations—

"We who are deputed from the Government of Maryland by a Commission under the Great Seal of that Province, now in Our Hands (and which will be Interpreted to You), bid you welcome, and in token that We are very glad to see you here as Brethren, We give you this String of Wampum."

Upon which the Indians gave the Jo-hah.

"When the Governor of Maryland received the first Notice about Seven years ago of your Claim to some Lands in that Province, He thought our Good friends and Brethren of the Six Nations had little reason to complain of any Injury from Maryland, and that they would be so well convinced thereof on further Deliberation as he should hear no more of it; but you spoke of that matter again to the Governor of Pennsylvania about Two years since as if you designed to Terrify us.

"It was very inconsiderately sayd by you, that you would do yourselves Justice by going to take Payment yourselves; such an attempt would have entirely dissolved the Chain of Friendship subsisting not only between us, but perhaps the other English and You.

"We assure you our People, who are numerous, courageous, and have arms ready in their Hands, will not suffer themselves to be hurt in their Lives and Estates.

"*But, however, the old and Wise People of Maryland immediately met in Council,* and upon considering very cooly your rash

Expressions, agreed to invite their Brethren, the Six Nations, to this place, that they might learn of them what Right they have to the land in Maryland; and if they had any, to make them some reasonable Compensation for it. Therefore the Governor of Maryland hath sent us to meet and treat with you about this Affair, and the Brightening and Strengthning the Chain which hath long subsisted between us; and as an Earnest of Our Sincerity and Good will towards you, We present you with this Belt of Wampum."

On which the Indians gave the Jo-hah.

"Our Great King of England and his Subjects have alwise possessed the Province of Maryland free and undisturbed from any Claim of the Six Nations for above One hundred Years past, and your not saying any thing to us before convinces us you thought you had no Pretence to any Lands in Maryland, nor can we yet find out to what Lands or under what Title you make your Claim. For the Sasquehannah Indians, by a Treaty above ninety years since (which is on the Table and will be Interpreted to you), Give and Yield to the English Nation, their heirs and assigns for ever, the Greatest part (if not all) of the Lands We possess from Patuxent River on the Western, as well as from Choptahk River on the Eastern side of the Great Bay of Chesapeak, and near Sixty Years ago you acknowledged to the Governor of new York at Albany, 'That you had given your Lands and Submitted yourselves to the King of England.'

"We are that Great King's Subjects, and we Possess and enjoy the Province of Maryland by virtue of His Right and Soverignty thereto. Why, then, will you stir up any Quarrel between you and ourselves, who are as one man under the Protection of that Great King?

"We need not put you in mind of the Treaty (which we suppose you have had from Your Fathers) made with the Province of Maryland near Seventy Years ago, and renew'd and Confirmed twice since that time.

"By these Treaties we became Brethren; we have alwise lived as such, and hope alwise to continue so.

"We have this further to say, that altho' We are not satisfied of the Justice of your Claim to any Lands in Maryland, yet we are desirous in shewing Our Brotherly kindness and affection, and to prevent (by any reasonable way) every misunderstanding between the Province of Maryland and you our Brethren of the Six Nations.

"For this Purpose we have brought hither a quantity of Goods for Our Brethren of the Six Nations, and which will be delivered you as soon as we shall have received your Answer and made so bright and large a Fire as may burn Pure and clear whilst the Sun and Moon shall Shine. We have now freely and openly laid our

Bosoms bare to you, and that you may be the better confirmed of the Truth of our Hearts, We give you this Belt of Wampum."

Which was received with the Jo-hah.

After a little time Canassatego spoke as follows:

"Brother, the Governor of Maryland:

"We have heard what you have sayd to us, and as you have gone back to Old Times, We cannot give you an answer now, but shall take what you have sayd into consideration, and return you our answer sometime to-morrow." He then sat down, and after sometime We spoke again:

"Brother, the Governor of Maryland:

"If you have made any Enquiry into Indian Affairs, you will know that we have always had Our Guns, Hatchets, and Kettles mended when we came to see our Brethren. Brother Onas and the Governor of New york always do this for us, and We give you this Early notice that we may not thereby be delayed, being desirous as well as you to give all Possible Dispatch to the Business to be Transacted between us."

The Commissioners of Virginia and Maryland sayd, since it was customary they would give Orders to have everything belonging to them mended that it should want it.

In the Court House at Lancaster, June 26th, 1744.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor, &c.

The Honourable Commissioners of Virginia.

The Honourable Commissioners of Maryland.

The Deputies of the Six Nations.

Conrad Weiser, Interpreter.

Canassatego Spoke as follows:

"Brother, the Governor of Maryland—

"When you invited us to kindle a Council Fire with you, Conedogwainet was the place agreed upon, but afterwards you by Brother Onas, upon second thoughts, considering that it would be difficult to get Provisions and other accommodations where there were but few houses or Inhabitants, desired we should meet Our Brother at Lancaster, and at his instance we very readily agreed to meet you here, and are glad of the Change, for we have found plenty of every thing, and as yesterday you bid us Welcome, and told us you were glad to see us, we likewise assure you we are as glad to see you, and

in token of our Satisfaction we present you with this String of Wampum."

Which was received with the usual Ceremony.

"Brother, the Governor of Maryland:

"You tell us that when about seven years ago you heard by Our Brother Onas of our Claim to some Lands in your Province, you took no notice of it, believing, as you say, that when we should come to reconsider that matter we should find that we had no Right to make any Complaint of the Governor of Maryland, and would drop our demand. And that when about two years ago we mentioned it again to our Brother Onas, you say We did it in such Terms as looked like a design to Terrify you; and you tell us further, that we must be beside ourselves in using such a rash expression as to tell you we know how to do ourselves Justice if you should still refuse. It is true we did say so, but without any ill design—for we must inform you that when we first desired Our Brother Onas to use his influence with you to procure us satisfaction for Our Lands, We at the same time desired him, in case you should disregaird our Demand, to write to the Great King beyond the Seas, who would own Us for his Children as well as you, to compel you to do us Justice. And two years ago, when we found that you paid no regaird to Our Just demand, nor that Brother Onas had convey'd our Complaint to the Great King over the Seas, we were resolved to use such Expressions as would make the greatest Impressions on your minds, and we find it had its effect, for you tell us 'That your Wise men held a Council together and agreed to Invite us, and to enquire of Our Right to any of your Lands; and if it should be found that we had a Right we were to have a Compensation made for them;' and, likewise, you tell us that our Brother, the Governor of Maryland, by the Advice of these wise men has sent you to brighten the Chain, and to assure us of his willingness to remove whatsoever impedes a good understanding between us. This shews that your wise men understand our Expressions in their true Sense. We had no design to Terrify you, but to put you on doing us the Justice you had so long delayed. Your wise men have done well; and as there is no obstacle to a Good understanding between us, except this affair of the Land, we on our Parts do give you the Strongest assurances of our Good Dispositions towards you, and that we are as desirous as you to Brighten the Chain and to put away all hindrances to a perfect good understanding; and in token of our sincerity we give you this Belt of Wampum."

Which was received, & the Interp^r ordered to give the Jo-hah.

"Brother, the Governor of Maryland:

"When you mentioned the affair of the Land Yesterday, you went back to old Times, and told us you had been in posession of the Province of Maryland above One hundred Years; but what is

one hundred years in comparison to the length of Time since our Claim began?—Since we came out of this Ground? For we must tell you that long before One hundred years Our ancestors came out of this very Ground, and their Children have remained here ever since. You came out of the Ground in a Country that lyes beyond Seas, there you may have a just Claim, but here you must allow Us to be your elder Brethren, and the Lands to belong to us long before you know anything of them. It is true that above One hundred years ago the Dutch came here in a Ship and brought with them several Goods, such as Awls, Knives, Hatchets, Guns, and many other particulars, which they gave us, and when they had taught us how to use their things, and we saw what sort of People they were, we were so well pleased with them that we tyed their Ship to the Bushes on the Shoar, and afterwards liking them still better the longer they stayed with us, and thinking the Bushes to slender, we removed the Rope and tyed it to the trees, and as the Trees were lyable to be blown down by high Winds, or to decay of themselves, We, from the affection We bore them, again removed the Rope, and tyed it to a Strong and big Rock [Here the Interpreter said they mean the Oneida Country], and not content with this, for its further security We removed the Rope to the Big-Mountain [Here the Interpreter says they mean the Onondaga Country], and there we tyed it very fast and rowled Wampum about it, and to make it still more Secure we stood upon the Wampum, and sat down upon it to defend it, and did our Best endeavours that it might remain uninjured for ever During all this Time; the Newcomers, the Dutch, acknowledged Our Rights to the Lands, and solicited us from time to time to grant them Parts of Our Country, and to enter into League and Covenant with us, and to become one People with us.

"After this the English came into the Country, and, as we were told, became one People with the Dutch; about two years after the Arrival of the English, an English Governor came to Albany, and finding what great friendship subsisted between us and the Dutch, he approved it mightly, and desired to make as Strong a league and to be upon as good Terms with us as the Dutch were, with whom he was united, and to become one People with Us, and by his further care in looking what had passed between us he found that the Rope which tyed the Ship to the Great mountain was only fastened with Wampum, which was liable to break and rot, and to perish in a course of years, he therefore told us that he would give us a silver Chain, which would be much stronger and last for Ever. This we accepted, and fastened the Ship with it, and it has lasted ever since. Indeed, we have had some small Differences with the English, and during these misunderstandings some of their young men would, by way of Reproach, be every now and then telling us that we should have perished if they had not come into the Country and furnished us with Strowds and Hatchets

nd Guns and other things necessary for the Support of Life. But
re always gave them to understand that they were mistaken, that
re lived before they came amongst us, and as well or better, if we
nay believe what our Forefathers have told Us. We had then
oom enough and Plenty of Deer, which was easily caught, and tho'
re had not Knives, Hatchets, or Guns, such as we have now, yet
re had Knives of Stone and Hatchets of Stone, and Bows and
Arrows, and these Served Our Uses as well then as the English
nes do now. We are now Straitned and sometimes in want of
Deer, and lyable to many other Inconveniences since the English
ame among Us, and particularly from that Pen and Ink work that
s going on at the Table [pointing to the Secretarys], and we will
ive you an Instance of this. Our Brother Onas, a great while ago,
ame to Albany to Buy the Sasquehannah Lands of Us, but our
Brother, the Governor of New York, who, as we suppose, had not
Good understanding with Our Brother Onas, advised us not to
Sell him any Lands, for he would make an ill use of it, and Pre-
ending to be Our Good friend, he advised us, in order to prevent
Onas's or any other persons imposing upon us, and that we might
lways have Our Land when we should want it, to put it into his
Hands, and told us he would keep it for Our use, and never open
is Hands, but keep them close shut, and not part with any of it
ut at Our request. Accordingly we Trusted him, and put Our
Land into his Hands, and Charged him to keep it safe for Our Use;
but some time after he went away to England and carryed Our
Land with him, and there Sold it to Our Brother Onas for a Large
Sum of money; and when, at the Instance of Our Brother Onas,
we were minded to sell him some Lands, He told us that we had
sold the Sasquehannah Lands already to the Governor of New York,
and that he had bought them from him in England, tho' when he
came to Understand how the Governor of New York had deceived
Us, he very generously paid Us for our Lands over again.

"Tho' we mention this Instance of an Imposition put upon us by the Governor of New York, yet we must do the English the Justice to say, we have had their hearty Assistances in Our Wars with the French, who were no sooner arrived amongst us than they began to render us uneasy and to provoke us to War, and we have had several Wars with them, during all which we constantly received assistance from the English, and by their Means we have alwise been able to keep up Our Heads against their Attacks.

"We now come nearer home. We have had your Deeds Interpreted to Us, and we acknowledge them to be good and valid, and that the Conestogoe or Sasquehannah Indians had a Right to sell those Lands unto you, for they were then their's; but since that time We have Conquered them, and their Country now belongs to Us, and the Lands we demanded satisfaction for are no part of the Lands comprized in those Deeds—they are the *Cohongoroutas

* Cohongoroutas, Potomack.

Lands. Those we are sure you have not possessed One hundred Years; No, nor above Ten years. And we made our Demand so soon as we knew your People were Settled in those Parts. These have never been sold, but remain still to be disposed of; And we are well pleased to hear you are Provided with Goods, and do assure you of Our Willingness to Treat with You for those unpurchased Lands, In confirmation whereof We present you with this Belt of Wampum."

Which was received with the usual Ceremony.

Canassatego added:

"That as the Three Governors of Virginia, Maryland, and Pennsylvania, had divided the Lands among, they could not for this Reason tell how much each had got, nor were they concerned about it, so that they were paid by all the Governors for the Several Parts each Possessed; and this they left to their Honour and Justice."

In the Court House at Lancaster, June 27th, 1744.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Governor, &c.

The Honourable the Commissioners of Virginia.

The Honourable the Commissioners of Maryland.

The Deputies of the Six Nations.

Conrad Weiser, Interpreter.

The Commissioners of Virginia order'd the Interpreter to let the Indians know the Governor of Virginia was going to Speak to them, and then they Spoke as follows:

"Sachims and Warriors of the Six United Nations, Our Friends and Brethren:

"At our Desire the Governor of Pennsylvania invited you to this council Fire; we have waited a long time for you, but now you are come, you are heartily welcome. We are very glad to see you. We give you this String of Wampum."

Which was received with their Usual Approbation.

"Brethren:

"In the Year 1736, Four of your Sachims wrote a Letter to James Logan, Esq., then President of Pennsylvania, to let the Governor of Virginia know that you Expected some Consideration for Lands in the Occupation of some of the People of Virginia. Upon seeing a Copy of this Letter, the Governor with the Council of Virginia took some time to consider of it; they found, on looking into the Old Treaties, that you had given up Your Lands to the Great King, Who had possession of Virginia above One hundred

nd Sixty Years; and under that Great King the Inhabitants of Virginia hold their Land, so they thought there might be some Mistake.

"Wherefore they Desired the Governor of New York to enquire of you about it. He sent His Interpreter to You in May, 1743, who said this before you at a Council held at Onandago, to which You answer, 'That if you had any Demand or Pretensions on the Governor of Virginia any way, You would have made it known to the Governor of New York.' This corresponds with what you have said to Governor Thomas, in the Treaty made with him at Philadelphia in July, 1742, for then you only made your Claim to lands in Government of Maryland.

"We are so well pleased with this Good Faith of You our Brethern of the Six Nations, and your Regard of the Treaties made with Virginia, that we are ready to hear you on the Subject of your Message Eight Years since.

"Tell us what Nations of Indians you Conquered any Lands from in Virginia, how long it is Since, and what Possession you have had; and if it does appear that there is any Land on the Borders of Virginia that the Six Nations have a Right to, we are willing to make you satisfaction."

Then laid down a String of Wampum, which was accepted with the usual Ceremony, and then added:

"We have 'a Chest of New goods, and the key is in Our Pockets. You are our Brethren; the Great King is our Common Father, and we will live with you as Children ought to do in Peace and Love.

"We will brighten the Chain and Strengthen the Union between Us, so that we shall never be divided, but remain Friends and Brethren as long as the Sun gives us light. In Confirmation whereof we give you this Belt of Wampum."

Which was received with the Usual Ceremony. Tachanontia Reply'd:

"Brother Assaraquoa—

"You have made a Good Speech to Us, which is very agreeable, and for which we return you our Thanks. We shall be able to give you an Answer to every part of it sometime this afternoon, and we shall let you know when we are ready."

In the Court House at Lancaster, 27th June, 1744, P. M.

PRESENT:

The Honourable GEORGE THOMAS, Esq^re., Governor, &c^a.

The Honourable the Commissioners of Virginia.

The Honourable the Commissioners of Maryland.

The Deputies of the Six Nations.

Conrad Weiser, Interpreter.

Tachanoontia Spoke as follows:

"Brother Assaraquoa—

"Since you have Joined with the Governor of Maryland and Brother Onas in Kindling this Fire, we gladly acknowledge the pleasure we have in seeing you here and observing your good Dispositions, as well to Confirm the Treaties of Friendship as to Enter into further Contracts about Land with Us, and in token of Our Satisfaction We Present you with this String of Wampum.

Which was received with the usual Ceremonies.

"Brother Assaraquoa:

"In your Speech this Morning you were Pleased to say we had wrote a Letter to James Logan about Seven years ago, to demand a Consideration for our Lands in the Possession of some of the Virginians. That you held them under the Great King for upwards of One hundred and Sixty Years, and that we had already given up our Right, and that therefore you had desired the Governor of New York to send his Interpreter to Us last Year to Onandago, which he did, and as you say, We, in Council at Onandago, did declare that we had no Demand on you for Lands, and that if we had any Pretensions we should have made them known to the Governor of New York; and likewise you desire to know if we have any Rights to the Virginia Lands, and that we will make such Right appear and tell you what nations of Indians We conquered those Lands from.

"Now we Answer, We have the Right of Conquest—a Right too dearly Purchas'd, and which cost us too much Blood to give up without any Reason at all, as you say We have done at Albany; but we should be obliged to you if you would let us see that Letter, and Inform Us who was the Interpreter and whose names are put to the Letter; for as the whole Transaction can't be above a year's standing, it must be fresh in every Body's Memory, and some of Our Council would easily remember it; but we assure you, and we are well able to prove that neither we nor any Part of Us have ever relinquished our Right, or ever gave such an Answer as you say is mentioned in your Letter. Could we so few years ago make a Formal Demand by James Logan and not be sensible of Our Right? *and hath any thing* happen'd since that time to make us less sen-

sible? No. And as this matter can be easily cleared up we are anxious it should be done, for we are Positive no such thing was ever mentioned to us at Onandago nor any where else. All the World Knows we conquered the Several Nations living on Sasquehanna, Cohongoronta, and on the Back of the Great Mountains in Virginia. The Conoy-uch-such-roona, Coch-nan-was-roonan, Tokoairough-roonan, and Connutskirr-ough-roonaw, feel the effects of Our Conquests, being now a Part of Our Nations, and their Lands at our Disposal.

"We know very well it hath often been say'd by the Virginians that the Great King of England and the People of that Colony conquered the Indians that lived there, but it is not true. We will allow they have conquered the Sachdagughroonan and Drove back the Tuscarroraws, and that they have on that Account a Right to some Part of Virginia, but as to what lyes beyond the Mountains we conquered the Nations residing there, and that Land, if ever the Virginians get a good Right to it, it must be by Us. And in Testimony of the Truth of Our Answer to this Part of Your Speech We give you this String of Wampum."

Which was received with the usual Ceremony.

"Brother Assaraquoa:

"We have given you a full answer to the first Part of Your Speech which we hope will be satisfactory. We are glad to hear you have brought with you a big Chest of New Goods, and that you have the Key in your Pockets. We do not doubt but we shall have a good Understanding in all Points, and come to an Agreement with you.

"We shall open all Our Hearts to You that you may know every thing in them; we will hide nothing from you, and we hope if there be any thing still remaining in your Breast that may occasion any Dispute between Us, you will take this opportunity to unbosom your hearts and lay them open to Us, that henceforth there may be no Dirt nor any other Obstacle in the Road between Us; and in token of Our hearty Wishes to bring about so good an harmony we present You with this Belt of Wampum."

Which was received with the usual Ceremony.

"Brother Assaraquoa:

"We must now tell you what Mountains we mean that we say are the Boundaries between you and us. You may remember that about Twenty years ago you had a Treaty with us at Albany, when you took a Belt of Wampum and made a Fence with it on the Middle of the Hill, and told us that if any of the Warriors of the Six Nations came on your side of the Middle of the Hill you would hang them, and you gave us liberty to do the Same with any of your People who should be found on our side the middle of the Hill. This is the Hill we mean, and we desire that Treaty may now be

confirmed. After we left Albany we brought Our Road a great deal more to the West that we might comply with Your Proposal, but tho' it was of your own making your People never observed it, but came and lived on Our side of the Hill, which we don't blame you for, as you live at a great distance near the Seas, and cant't be thought to know what your People do in the Back parts; and on their Settling contrary to your own Proposals on our new Road, it fell out that Our Warriors did some hurt to your People's Cattle, of which a complaint was made and transmitted to us by our Brother Onas. And we at his Request altered the Road again, and brought it to the Foot of the Great Mountain where it now is, and it is impossible for us to remove it any further to the West, those Parts of the Country being absolutely impassable by either Man or Beast.

"We had not been long in the Use of this new Road before your People came like Flocks of Birds and sat down in both sides of it, and yet we never made a Complaint to you, tho' you must be Sensible those things must have been done by your People in manifest Breach of your own Proposal made at Albany; and therefore as we are now opening our Hearts to you, we cannot avoid Complaining, and desire all these Affairs may be settled; and that you may be Stronger induced to do us Justice for what is Past, and to come to a thorough Settlement for the future, we, in the Presence of the Governor of Maryland and Brother Onas, present you with this Belt of Wampum."

Which was received with the Usual Ceremony.

Then Tachanoontia added:

"We forgot to say That the Affair of the Road must be looked upon as a Preliminary to be Settled before the Grant of Lands, and that either the Virginia People must be obliged to Remove more Easterly, or if they are Permitted, to say that our Warriors Marching that way to the Southward shall go sharers with them in what they Plant."

In the Court House at Lancaster, 28th June, 1744, A. M.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Governor, &c.

The Honourable the Commissioners of Virginia.

The Honourable the Commissioners of Maryland.

The Deputies of the Six Nations.

Conrad Weiser, Interpreter.

The Governor Spoke as follows:

"Friends and Brethren of the Six Nations—

"I am always sorry when any thing happens that may Create

the least uneasiness between us, but as we are mutually engaged to keep the Road between Us clear and open, and to remove every obstruction that may lie in the way, I must inform you that three of the Delaware Indians lately Murdered John Armstrong, an Indian Trader, and his two men, in a most barbarous manner, as he was traveling to Allegheny, and stole his Goods of a considerable value. Shick Calamy and the Indians settled at Shamokin did well; They seized two of the Murderers and sent them down to Our Settlements, but the Indians who had the Charge of them afterwards suffered one of them to Escape on a Pretence that he was not concerned in the Bloody deed. The other is now in Philadelphia Goal. By our Laws all the Accessaries to a Murder are to be Tryed and Put to Death as well as the Person who gave the Deadly wound. If they consented to it, encouraged it, or anywise assisted in it, they are to be put to Death, and it is just they should be so. If, upon Tryal, the Persons Present at the Murder are found not to have done any of these things, they are set at liberty. Two of Our People were, not many years ago, publickly put to Death for killing two Indians. We therefore expect you will take the most effectual Measures to Seize and deliver up to Us the other two Indians present at these Murders, to be tryed with the Principal now in Custody. If it shall appear upon their Tryal that they were not advising nor any way Assisting in this Horrid Fact, they will be acquitted and sent home to their Towns. And that you may be satisfied no Injustice will be done to them, I do now Invite you to Depute three or four Indians to be present at their Tryals. I do likewise expect that you will order Strict search to be made for the Remainder of the Stolen Goods, that they may be restored to the Wife and Children of the Deceased. That what I have said may have its due Weight with you, I give you this String of Wampum."

Which was accepted With the Jo-hah.

The Governor afterwards ordered the Interpreter to tell them He expected a very full answer from them, And that they might take their own time to give it, for he did not desire to interfere with the Business of Virginia and Maryland.

They sayd they would take it into Consideration and give a full answer.

Then the Commissioners of Virginia let them know by the Interpreter that they would Speak to them in the Afternoon.

In the Court House Chamber at Lancaster, Thursday, 28 June, 1744, A. M.

PRESENT:

The Honourable, the Commissioners of Maryland,

The Deputies of the Six Nations,

Conrad Weiser, Interpreter.

The Commissioners desired the Interpreter to tell the Indians they were going to Speak to them. Mr. Weiser acquainted them therewith. After which the said Commissioners Spoke as follows:

"Our Good Friends and Brethren of the Six United Nations:

"We have consider'd what you sayd concerning your Title to some Lands now in Our Province, and also of the Place where they lye. Altho' we cannot admit your Right, yet we are so resolved to live in Brotherly Love and Affection with the Six Nations, that upon giving us a Release in Writing of all your Claim to any Lands in Maryland, We shall make you a Compensation to the Value of Three hundred Pounds Currency, for the Payment of Part thereof we have brought some Goods, and shall make up the Rest in what manner you think fit.

"As We intend to say something to you about our Chain of Friendship after this affair of the Land is Settled, we desire you will now Examine the Goods and make an End of this matter.

"We will not omitt acquainting Our Good Friends the Six Nations that notwithstanding We are likely to come to an Agreement about your Claim of Lands, yet your Brethren of Maryland look on you to be as one Soul and one Body with themselves, and as a broad Road will be made between Us, we shall always be desirous of keeping it clear, that we may from time to time take care that the links of Our Friendship be not rusted. In testimony that Our Words and Our hearts agree, We give you this Belt of Wampum."

On presenting of which the Indians gave the usual Cry of Approbation.

Mr. Weiser acquainted the Indians they might now look over the Several Goods placed on a Table in the Chamber for that Purpose; and the Honourable Commissioners bid him tell them if they disliked any of the Goods, or if they were damaged, the Commissioners would put a less Price on such as were either disliked or Damnify'd. The Indians having View'd and Examined the Goods, and Seeming Disatisfy'd at the Price and worth of some of them, required time to go down into the Court House in order for a Consultation to be had by the Chiefs of them concerning the said Goods, and likewise that the Interpreter might Retire with them, which he did. Accordingly they went down into the Court House, and soon after returned again into the Chamber. Mr. Weiser sat down among

the Indians and discoursed them about the Goods, and in some short time after they Chose the following from among the others, and the Prices agreed to be given for them by the Six Nations was, viz^{t}:

One lb. Vermillion - - - - - - - -	£0 18 0
1,000 Flints - - - - - - - -	0 18 0
4 Doz. Jewsharps - - - - - - -	0 14 0
1 Dox. Boxes - - - - - - - -	0 1 0
1c. 2qr. 0lb Barr Lead - - - - - -	3 0 0
0c. 2qr. 0lb Shot - - - - - - -	1 0 0
2 Half Barrels of Gunpowder - - - - -	13 0 0
	£19 11 0
Four Pieces of Strowds @ £7 - - - - -	£28 0 0
2 Pieces Do. @ £5 - - - - -	10 0 0
200 Shirts - - - - - - - -	63 12 0
3 Pieces half Thicks - - - - - -	11 0 0
3 Pieces Duffle Blankets @ £7 - - - - -	21 0 0
1 Piece Do. - - - - - - -	6 10 0
47 Guns, 26s. - - - - - - - -	61 2 0
	£201 4 0
	19 11 0
Pennsylvania Currency - - - -	£220 15 0

When the Indians had agreed to take these Goods at the Rates above specify'd, they informed the Interpreter that they would give an Answer to the Speech made to them this morning by the Honourable the Commissioners of Maryland, but did not express the Time when such answer should be made.

At twelve o'Clock the Commissioners departed the Chamber.

In the Court House at Lancaster, June 28th, 1744, P. M.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Governor, &^{c}

The Honourable the Commissioners of Virginia.

The Honourable the Commissioners of Maryland.

The Deputies of the Six Nations.

Conrad Weiser, Interpreter.

The Commissioners of Virginia desired the Interpreter to let the Indians know that their Brother Assaraquoa was now going to give

his Reply to their Answer to his first Speech, delivered them the Day before in the forenoon:

"Sachims and Warriors of the Six Nations: We are now come to Answer what you said to Us Yesterday, since what we sayd to you before on the Part of the Great King, our Father, has not been satisfactory. You have gone into Old Times and so must we. It is true that the Great King holds Virginia by Right of Conquest, and the Bounds of that Conquest to the Westward is the Great Sea.

"If the Six Nations have made any Conquest over Indians that may at any time have lived on the West side of the Great Mountains of Virginia, yet they never possessed any Lands there that we have ever heard. That part was altogether deserted, and free for any People to enter upon, as the People of Virginia have done by order of the Great King, very justly as well by an Antient Right as by its being freed from the Possession of any other, and from any Claim, even of you the Six Nations, our Brethren, untill within these Eight Years. The first Treaty between the Great King, in behalf of his Subjects of Virginia and you, that we can find, was made at Albany by Colonel Henry Coursey Seventy years Since. This was a Treaty of Friendship when the first Covenant Chain was made, when we and you became Brethren.

"The next Treaty was also at Albany above fifty-Eight years ago, by the Lord Howard, Governor of Virginia. Then you declare yourselves Subjects of the Great King, our Father, and gave up to him all your Lands for his Protection. This you Own in a Treaty made by the Governor of Newyork with you at the same Place in the Year 1687, and you Express yourselves in these Words: 'O Brethren you tell us the King of England is a very Great King, and why should you not join with us in a very just Cause when the French join with Our Enemies in an unjust Cause. O Brethren we see the Reason of this, for the French would fain kill us all, and when that is done they would carry all the Beaver Trade to Canada, and the Great King of England would lose the Lands likewise; And therefore, O Great Sachim beyond the Great Lakes, awake, and suffer not those poor Indians that have given themselves and their Lands under your Protection to be destroyed by the French without a Cause.'

"The last Treaty we shall Speak to you about is that made at Albany by Governor Spotswood, which you have not recited as it is; for the White People, Your Brethren of Virginia, are in no Article of that Treaty Prohibited to pass and Settle to the Westward of the Great Mountains. It is the Indians' Tributary to Virginia that are restrained, as you and your Tributary Indians are from Passing to the Eastward of the same Mountains or to the Southward of Cohongoroonton, And you agree to this Article in these Words: 'That the Great River of Patowmack and the High Ridge of Mountains

which extend all along the Frontiers of Virginia to the Westwards of the Present Settlements of that Colony, Shall be for ever the established Boundaries between the Indians subject to the Dominions of Virginia and the Indians belonging and depending on the ffive Nations, so that neither our Indians shall not, on any Pretence whatsoever, pass to the Northward or Westward of the said Boundaries without having to Produce a Pass port under the Hand and Seal of the Governor or Commander-in-Chief of Virginia, nor your Indians to pass to the Southward or Eastward of the said Boundaries without a Passport in like manner from the Governor or Commander-in-Chief of New York.'

"And what Right can you have to Lands that you have no Right to Walk upon but upon certain conditions? It is true you have not observed this part of the Treaty, and Your Brethren of Virginia have not insisted on it with a due Strictness, which has Occasioned some mischief.

"This Treaty hath been sent to the Governor of Virginia by Order of the Great King, and is what we must Rely on, and being in Writing is more certain than your Memory. That is the way the white people have of preserving Transactions of every kind, and transmitting them down to their Childrens' Children for ever; and all Disputes among them are settled by this faithfull kind of Evidence, and must be the Rule between the Great King and you. This Treaty your Sachims and Warriors signed some Years after the same Governor Spotswood, in the Right of the Great King, had been with some People of Virginia in possession of these very Lands, which you have set up your late claim to.

"The Commissioners for Indian Affairs at Albany gave the Account we mentioned to you yesterday to the Governor of New York, and he sent it to the Governor of Virginia. Their names will be given you by the Interpreter.

"Brethren, this Dispute is not between Virginia and you. It is setting up your Right against the Great King, under whose Grants the People you complain of are settled. Nothing but a Command from the Great King can remove them; They are too powerful to be removed by any force of You our Brethren; And the Great King, as our Common Father, will do equal Justice to all his children; Wherefore, we do believe they will be confirmed in their Possessions.

"As to the Road you mention, we intended to prevent any Occasion for it by making a Peace between You and the Southern Indians a few years since, at a considerable Expence to Our Great King, which you Confirmed at Albany. It seems by your being at War with the Catawbas that it has not been long kept between you.

"However, if you desire a Road, we will agree to one on the Terms of the Treaty you made with Colonel Spotswood; and your

People's behaving themselves orderly like Friends and Brethren shall be used in their Passage through Virginia with the same kindness as they are when they pass through the Lands of your Brother Onas. This we hope will be agreed to by you Our Brethren, and we will abide by the Promise made to you Yesterday.

"We may Proceed to Settle what we are to give you for any Right you may have or have had to all the Lands to the Southward and Westward of the Lands of your Brother the Governor of Maryland, and of your Brother Onas, tho' we are informed the Southeren Indians claim these very Lands that you do.

"We are desirous to live with you our Brethren according to the Old Chain of Friendship to settle all these matters fairly and honestly.

"And as a Pledge of Our Sincerity We give you this Belt of Wampum."

Which was received with the usual Ceremony

In the Court House Chamber at Lancaster, June the 29th, 1744, A. M.

PRESENT:

The Honourable the Commissioners of Maryland.

The Deputies of the Six Nations.

Conrad Weiser, Interpreter.

Mr. Weiser informed the Honourable Commissioners the Indians were ready to give their answer to the Speech made to them here yesterday Morning by the Commissioners. Whereupon

Canassatego spoke as follows, looking on a Deal Board where were some black lines describing the Courses of Potowmack and Susquahanna:

"Brethren—

"Yesterday you Spoke to Us concerning the Lands on this side Potowmack River, and as we have deliberately considered of what you said to us on that matter, we are now very ready to settle the Bounds of such Lands, and Release our Right and Claim thereto.

"We are willing to renounce all Right to Lord Baltimore of all those Lands lying two Miles above the uppermost Fork of Patowmack or Cohongoruton River, near which Thomas Cressap has a Hunting or Trading Cabbin, by a North Line to the Bounds of Pennsylvania. But in case such Limits shall not include every Settlement or Inhabitant of Maryland, then such other Lines and Courses from the said two Miles above the Forks to the outermost Inhabitants or Settlements as shall include every Settlement and Inhabitant in Maryland, and from thence by a North Line to the

Bounds of Pennsylvania, shall be the Limits. And further, if any People already have or shall settle beyond the Lands now described and Bounded, they shall enjoy the same free from any Disturbance of us in any manner whatsoever, and we do and shall accept those People for our Brethren, and as such always Treat them.

"We earnestly desire to live with you as Brethren, and hope you will shew us all Brotherly kindness; In token whereof We present you with a Belt of Wampum."

Which was received with the usual Ceremony.

Soon after the Commissioners and Indians departed the Court House Chamber.

In the Court House Chamber at Lancaster, June 30th, 1744, A. M.

PRESENT:

The Honourable the Commissioners of Virginia.

The Deputies of the Six Nations.

Conrad Weiser, Interpreter.

Gachadow, Speaker for the Indians, in answer to the Commissioner's Speech at the last meeting, with a Strong Voice and Proper Actions, Spoke as follows:

"Brother Assaraquoa:

"The World at the first was made on the other side of the Great water different from what it is on this side, as may be known from the different Colour of Our Skin and of Our Flesh, and that which you call Justice may not be so amongst us. You have your Laws and Customs and so have we. The Great King might send you over to Conquer the Indians, but looks to us that God did not approve of it, if he had, he would not have Placed the Sea where it is, as the Limits between us and you."

"Brother Assaraquoa:

"Tho' great things are well remembered among Us, Yet we don't remember that we were ever Conquered by the Great King, or that we have been employ'd by that Great King to conquer others; if it was so it is beyond our Memory. We do remember we were employed by Maryland to Conquer the Conestogo's, and that the Second time we were at War with them we carry'd them all off."

"Brother Assaraquoa:

"You Charge us with not acting agreeable to our Peace with the Catawbas; we will repeat truly to you what was done: The Governor of New York at Albany, in behalf of Assaraquoa, gave us several Belts from the Cherickees and Catawbas, and we agreed to a Peace if those Nations would send some of their Great men to

s to confirm it face to face, and that they would Trade with us, d desired that they would appoint a time to meet at Albany for is Purpose, but they never came."

"Brother Assaraquoa:

"We then desired a Letter might be sent to the Catawbas and herikees to desire them to come and confirm the Peace. It was ng before an Answer came, but we met the Cherikees and Con-md the Peace, and sent some of Our People to take care of them ıtill they returned to their own Country.

"The Catawbas refused to come, and sent us word that we were ıt Women; that they were men and double men for they had two ——s; that they could make Women of Us, and would be always ; War with us. They are a deceitful People; Our Brother Assa-ıquoa is deceived by him; we don't blame him for it, but are sorry e is so deceived."

"Brother Assaraquoa:

"We have confirm'd the Peace with the Cherikees, but not with he Catawbas. They have been Treacherous, and know it, so that he War must continue till one of Us is destroyed. This we think 'roper to tell you, that you may not be Troubled at what we do to he Catawbas.

"Brother Assaraquoa:

"We will now Speak to the Point between us. You say you will gree with us to the Road. We desire that may be the Road which ras last made (the Waggon Road). It is always a custom among 3rethren or Strangers to use each other kindly. You have some 'ery ill-natured People living up there, so that we desire the Per-ons in Power may know that we are to have reasonable Victuals rhen we are in want.

"You know very well when the White People came first here hey were poor; but now they have got our Lands and are by them ıecome Rich, and we are Now poor. What little we had for the Land goes soon away, but the Land lasts forever. You told us you ıad brought with you a Chest of Goods, and that you have the Key in your Pockets; But we have never seen the Chest nor the Goods that are said to be in it. It may be smal and the Goods few. We want to see them, and are desirous to come to some Conclusion. We have been sleeping here these Ten Days past, and have not lone any thing to the Purpose."

The Commissioners told them they should see the Goods on Monday.

In the Court House at Lancaster, June the 30th, 1744.

PRESENT:

The Honourable GEORGE THOMAS, Esquire, Governor.
The Honourable the Commissioners of Virginia.
The Honourable the Commissioners of Maryland.
The Deputies of the Six Nations.
Conrad Weiser, Interpreter.

The three Governments Entertained the Indians and all the Gentlemen in town with a handsome Dinner; the Six Nations in their order having returned thanks with the usual Solemnity of Jo-ha-han, the Interpreter informed the Governor and the Commissioners that as the Lord Proprietor and Governor of Maryland was not known to the Indians by any particular Name, they had agreed in Council to take the first opportunity of a large company to present him with one, and as this with them is deemed a matter of great Consequence, and attended with abundance of Forme, the several Nations had drawn Lots for the performance of the Ceremony, and the Lot falling on the Cayogo Nation, they had chosen Gachradodow, one of their Chiefs, to be their Speaker, and he desired leave to begin, which being given, he on an elevated part of the Court House, with all the dignity of a Warrior, the Gesture of an Orator, and in a very gracefull Posture, spoke as follows:

"As the Governor of Maryland had Invited them here to Treat about their Lands and brighten the Chain of Friendship, the United Nations thought themselves so much obliged to him that they had come to a Resolution in Council to give to the Great man who is Proprietor of Maryland a particular Name, by which they might hereafter correspond with him, and as it had fallen to the Cayogo's Lot in Council to consider of a proper name for that Chief Man, they had agreed to give him the Name of Tocarry-ho-gan, denoting Precelency, Excellency, or living in middle or Honourable Place betwixt Assaraquoa and their Brother Onas, by whom their Treaties might be better carryd on." And then addressing himself to his Honour, the Governour of Pennsylvania, The Honourable the Commissioners of Virginia and Maryland, and to the Gentlemen then present, he Proceeded:

"As there is a Company of Great Men now Assembled, We take this Time and opportunity to Publish this Matter, That it may be known Tocarry-ho-gan is Our Friend, and that we are ready to Honour him, and that by such Name he may be always called and known among Us. And We hope he will ever Act towards us according to the Excellency of the Name we have now Given him, and enjoy a long and happy life."

The Honourable the Governor and Commissioners, and all the

Company present, returned the Compliment with three Huzza's, and after drinking Healths to Our gracious King and Six Nations, the Commissioners of Maryland proceeded to Bussiness in the Court House Chamber with the Indians, where Conrad Weiser the Interpreter was present.

The Honourable the Commissioners order'd Mr. Weiser to tell the Indians that a Deed, releasing all their Claim and Title to certain Lands lying in the Province of Maryland, which by them was agreed to be given and executed for the use of the Lord Baron of Baltimore, Lord Proprietary of that Province, was now on the Table and Seals ready fixed thereto. The Interpreter acquainted them therewith as desired, and then gave the Deed to Canassatego the Speaker, who made his Mark and put his Seal and Delivered it, after which thirteen other Chiefs or Sachims of the Six Nations Executed it in the same manner in the Presence of the Honourable the Commissioners of Virginia and divers other Gentlemen of that Colony, and of the Provinces of Pennsylvania and Maryland.

At the House of Mr. George Sanderson in Lancaster, 2d July, 1744, A. M.

PRESENT:

The Honourable the Commissioners of Maryland.

Several of the Chiefs of the Indians of the Six Nations.

Conrad Weiser, Interpreter.

The several Chiefs of the Indians of the Six Nations who had not Signed the Deed of Release of their Claim to some Land in Maryland, tender'd to them on Saturday last in the Chamber of the Court House in this Town, did now readily Execute the same, and caused Mr. Weiser likewise to sign it, as well with his Indian as with his own proper Name of Weiser, as a Witness and Interpreter.

In the Court House at Lancaster, July 2d, 1744.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

The Honourable the Commissioners of Virginia.

The Honourable the Commissioners of Maryland.

The Deputies of the Six Nations.

Conrad Weiser, Interpreter.

Canassatego Spoke as follows:

"Brother Onas:

"The other day you was pleased to tell us you were always con-

cern'd whenever anything happen'd that might give you or us Uneasiness, and that we were mutually engaged to preserve the Road open and Clear between Us And you informed Us of the Murder of John Armstrong and his two Men by some of the Delaware Indians, and of their Stealing his Goods to a Considerable value. The Delaware Indians as you Suppose are under our Power. We join with you in your Concern for such a vile Proceeding; and to testify that we have the same Inclinations with you to keep the Road clear, free, and open, we give you this string of Wampum."

Which was received with the usual Ceremony.

"Brother Onas:

"These things happen frequently, and we desire you will consider them well, and not be too much concerned. Three Indians have been killed at different times at Ohio, and we never mentioned any of them to you, imagining it might have been occasioned by some unfortunate Quarrels, and being unwilling to create a Disturbance; We therefore Desire you will consider these things well, and to take the Grief from your Heart We give you this String of Wampum."

Which was received with the usual Ceremony.

"Brother Onas:

"We had heard of the Murder of John Armstrong, and in our Journey here We had Conference with our Cousins, the Delawares, about it, and Reproved them severely for it; and charged them to go down to Our Brother Onas and make him satisfaction, both for the Men that were killed and for the Goods. We understood by them that the principal Actor in these Murders is in your Prison, and that he had done all the Mischief himself; but that besides him you had required and Demanded two others who were in his Company when the Murders were Committed. We promise faithfully in our return to renew our Reproofs, and to Charge the Delawares to send down some of their Chiefs with these two young men, but not as Prisoners, to be examined by you; and as we think upon Examination you will not find them Guilty, we rely on your Justice not to do them any Harm, but to permitt them to return in safety.

We likewise understand that search has been made for the Goods belonging to the deceased, and that some have been already returned to your People; but that some are still missing. You may depend upon our Giving the Strictest Charge to the Delawares to Search again with more Diligence for the Goods, and to return them or the value of them in Skins. And to Confirm what we have said, we give you this String of Wampum."

Which was received with the usual Ceremony.

"Brother Onas:

"The Conoy Indians have informed us that they sent you a Message some time ago to advise you that they were ill used by the

White People in the place where they had lived, and that they had come to a Resolution of removing to Shamokin, and requested some small Satisfaction for their Land; And as they never have received any answer from you, they have desired Us to Speak for them. We heartily recommend their Case to your Generosity, and to weight to our Recommendation we present you with this String of Wampum.

Which was receiv'd with the usual Ceremony.

The Governor having conferred a little time with the Honourable Commissioners of Virginia and Maryland, made the following Reply:

"Brethren—

"I am glad to find that you agree with me in the necessity of keeping the Road between us clear and open; and the Concern you have expressed on Account of the Barbarous Murders mentioned to You, is a proof of Your Brotherly affection for Us. If crimes of this Nature be not Strictly enquired into, and the Criminals Severely Punish'd, there will be an end of all commerce between us and the Indians, and then you will be altogether in the Power of the French; They will set what Price they please on their own Goods, and Give you what they think fit for your Skins, so it is for your own interest that our Traders should be safe in their Persons and Goods when they Travel to your Towns.

"Brethren:

"I consider'd this matter well before I came from Philadelphia, and I advised with the Council there upon it, as I have done here with the Honourable the Commissioners of Virginia and Maryland. I never heard before of the Murder of Three Indians at Ohio; had complaint been made to me of it, and it had appeared to have been committed by any of the People under my Government, they should have been put to Death, as two of them were two years ago for killing two Indians. You are not to take your own satisfaction, but to apply to me and I will see that Justice be done you; and should any of the Indians rob or murder any of our People, I do expect that you will deliver them up to be tryed and Punished in the same manner as White people are. This is the way to preserve Friendship between us, and will be for your benefit as well as our's. I am well pleased with the Steps you have already taken, and the Reproofs you have given to your Cousins the Delawares, and do expect you will lay your Commands upon some of their Chiefs to bring down the two Young men that were present at the Murders. If they are not brought down, I shall look upon it as a Proof of their Guilt. If upon Examination they shall be found not to have been concerned in the Bloody Action, they shall be well used and sent home in Safety. I will take it upon my self to see that they have no Injustice done them. An Inventory is taken of the Goods already restored, and I expect satisfaction will be made for such as cannot be found in Skins, according to their Promise.

"I well remember the coming down of one of the Conoy Indians with a Paper setting forth That the Conoys had come to a Resolution to leave the Land reserved for them by the Proprietors, but he made no complaint to me of ill usage from the White people. The reason he gave for their removal was, that the Setling of the White people all around them had made Deer Scarce, and that therefore they chose to remove to Juniata for the Benefit of Hunting. I ordered what they said to be entered in the Council Book. The old Man's Expences were borne, and a Blankit given him at his Return home. I have not yet heard from the Proprietors on this head, but you may be assured, from the favour and Justice they have always shewn to the Indians, that they will do every thing that can be reasonably expected of them in this case.

In the Court House Chamber at Lancaster, July 2d, 1744, P. M.

PRESENT:

The Honourable the Commissioners of Virginia.

The Deputies of the Six Nations.

Conrad Weiser, Interpreter.

The Indians being told by the Interpreter that their Brother Assaraquoa was going to Speak to them, he spoke as follows:

"Sachims and Warriors, our Friends and Brethren:

"As we have already sayd enough to you on the Subject of the Title to the Lands you Claim from Virginia, we have no occasion to say any thing more to you on that head, but come directly to the Point. We have open'd the Chests, and the Goods are now here before you; They cost Two hundred Pounds, Pennsylvania money, and were bought by a Person recommended to Us by the Governor of Pennsylvania, with ready Cash. We order'd them to be good in their kinds, and we believe they are so. These Goods, and Two hundred Pounds in Gold which now lye now on the Table, we will give you, Our Brethren of the Six Nations, upon Condition That you immediately make a Deed, recognizing the King's Right to all the Lands that are or shall be by his Majesty's Appointment in the Colony of Virginia.

"As to the Road, we agree you shall have one, and the Regulation is in paper which the Interpreter now has in his custody to Shew you. The People of Virginia shall perform their Part if you and your Indians perform their's. We are your Brethren, and will do no hardships to you, but, on the Contrary, all the kindness we can."

The Indians agreed to what was said, and Canassatego desired they would Represent their Case to the King, in order to have a further Consideration when the Settlement increased much farther

back. To which the Commissioners agreed, and Promised they would make such a Representation faithfully and honestly, and for their further Security that they would do so, they would give them a Writing under their Hands and Seals to that purpose.

They desired that some Rum might be given them to drink on their way home, which the Commissioners agreed to, and payd them in Gold for that Purpose, and the Carriage of their Goods from Philadelphia, Nine pounds thirteen shillings and three pence, Pennsylvania money.

Canassatego further sayd, That as their Brother Tocarry-ho-gan sent them Provision on the Road here, Which kept them from Starving, he hoped their Brother Assaraquoa would do the same for them back, and have the Goods he gave them carry'd to the usual Place, which were agreed to.

After this Conference the Deed was Produced, and the Interpreter Explained it to them, and they according to their Rank and Quality put their Marks and Seals to it in the presence of several Gentlemen of Maryland, Pennsylvania, and Virginia; and when they delivered the Deed, Canassatego delivered it for the use of their Father the Great King, and hoped he would consider them, upon which the Gentleman and Indians present gave three shouts.

In the Court House at Lancaster, Tuesday, July 2d, 1744. A. M.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Governor.

The Honourable the Commissioners of Virginia.

The Honourable the Commissioners of Maryland.

The Deputies of the Six Nations.

Conrad Weiser Interpreter.

The Governor Spoke as follows:

"Friends and Brethren of the Six Nations—

"At a Treaty held with many of the Chiefs of your Nations two years ago, the Road between us was made Clearer and Wider; Our Fire was enlarged and our Friendship confirmed by an Exchange of Presents and many other Mutual Good Offices.

"We think ourselves happy in having been Instrumental to your meeting with our Brethren of Virginia and Maryland, And we persuade ourselves that you on your Parts will always remember it as an Instance of our good will and affection for you. This has given us an opportunity of seeing you sooner than perhaps we should otherwise have done; and as we are under mutual Obligations by *Treaties, we to hear with* Our Ears for you, and you to hear with

your Ears for us, We take this opportunity to inform you of what very nearly concerns us both.

"The Great King of England and the French King have Declared War against each other. Two Battles have been fought, one by Land and the other by Sea. The Great King of England Commanded the Land Army in Person, and gained a Compleat Victory. Numbers of the French were killed and taken Prisoners, and the rest were forced to pass a River with Precipitation to save their Lives. The Great God covered the King's head in that Battle, so that he did not receive the least hurt, for which you as well as we have reason to be very thankfull.

"The Engagement at Sea was likewise to the Advantage of the English. The French and Spaniards joined their Ships together and came out to Fight us. The brave English Admiral burnt one of their largest Ships, and many others were so shatter'd that they were glad to take the opportunity of a very high wind and a dark Night to run away and to hide themselves again in their Harbours. Had the Weather proved fair he would in all probability have taken or destroyed them all.

"I need not put you in mind how much William Penn and his sons have been your Friends and the Friends of all the Indians; you have long and often experienced their Friendship for you, nor need I repeat to you kindly you were treated, and what valuable Presents were made to you two years ago by the Governor, the Council, and the Assembly of Pennsylvania. The Sons of William Penn are all now in England, and have left me in their place, well knowing how much I regard you and all the Indians. As a fresh proof of this, I have left my House and am come thus far to see you, to renew our Treaties, to brighten the Covenant Chain, and to confirm our Friendship with you. In testimony whereof I present you with this Belt of Wampum." Which was received with the Jo-hah.

"As your Nations have engaged themselves by Treaty to Assist Us, your Brethren of Pennsylvania, in case of a War with the French, we do not Doubt but you will punctually perform an Engagement so solemnly entered into. A War is now declared, and We expect that you will not suffer the French or any of the Indians in Alliance with them to March through your Country to disturb any of our Settlements, And that you will give us the Earliest and best Intelligence of any Designs that may be formed by them to our Disadvantage, as we promise to do of any that may be to your's. To enforce what I have now say'd to you in the strongest manner, I present you with this Belt of Wampum."

Which was received with the Jo-hah.

After a little Pause his Honour the Governor Spoke again:

"Friends and Brethren of the Six Nations—

"What I have now sayd to you is in conformity to the Treaties

subsisting between the Province of which I am Governor and your Nations. I now proceed with the Consent of the Honourable the Commissioners of Virginia and Maryland to tell you That all Differences having been adjusted, and the Roads between us and you made quite clear and open, We are ready to confirm our Treaties with your Nations, and establish a Friendship which is not to end but with the World it self. And in behalf of the Province of Pennsylvania, I do by this fine Belt of Wampum and a Present of Goods to the Value of Three hundred pounds, confirm and establish the said Treaties of Peace, Union, and Friendship, you on your Parts doing the same."

Which was received with a loud Jo-hah.

The Governor further added, "The Goods bought with the one Hundred Pounds Sterling Put into my Hands by the Governor of Virginia are ready to be delivered when you Please. The Goods bought and sent up by the People of the Province of Pennsylvania, according to the List which the Interpreter will explain, are laid by themselves, and are likewise ready to be deliver'd to you at your own time."

After a little Pause the Commissioners of Virginia Spoke as follows:

"Sachims and Warriors of the Six Nations—

"The Way between us being made Smooth by what Passed Yesterday, we desire now to confirm all former Treaties made between Virginia and you our Brethren of the Six Nations, and to make Our Chain of Union and Friendship as bright as the Sun, that it may not contract any more Rust for ever; that our Childrens' Children may rejoice at and confirm what we have done; and that you and your Children may not forget it, We give you One hundred pounds in Gold and this Belt of Wampum."

Which was received with the usual Ceremonye.

"Friends and Brethren:

"Altho' we have been Disapointed in Our Endeavours to bring about a Peace between you and the Catawbas, yet we desire to speak to you something more about them. We believe they have been unfaithfull to you and Spoke of you with a foolish contempt, but this may be only the Rashness of some of their Young Men. In this Time of War with Our common Enemies, the French and Spaniards, it will be the wisest way to be at Peace among Our selves. They, the Catawbas, are also Children of the Great King, and therefore we desire you will agree that we may endeavour to make a Peace between you and them, that we may be all United by one common Chain of Friendship. We give you this String of Wampum."

Which was received with the usual Ceremony.

"Brethren:

"Our Friend Conrad Weiser, when he is old, will go into the

other World, as Our Fathers have done; our Children will then want such a Friend to go between them and your Children to reconcile any differences that may happen to Arise between them, that, like him, may have the Ears and Tongues of our Children and yours.

"The way to have such a Friend is for you to send three or four of your Boys to Virginia, where we have a fine House for them to Live in, and a Man on purpose to teach the Children of you, our Friends, the Religion, Language, and Customs of the White People. To this Place we kindly invite you to send some of your Children, and we promise you they shall have the same care taken of them, and be Instructed in the same manner as our own Children, and be returned to you again when you please; and to confirm this we give you this String of Wampum."

Which was received with the usual Ceremony.

Then the Commissioners of Maryland Spoke as follows:

"Friends and Brethren, the Chiefs or Sachims of the Six United Nations:

"The Governor of Maryland invited you hither, we have treated you as Friends and agreed with you as Brethren.

"As the Treaty now made concerning the Lands in Maryland Will, we hope, Prevent effectually every future Misunderstanding between us on that Account, we will now bind faster the Links of Our Chain of Friendship by a Renewal of all our former Treaties; and that they may still be the better Secured we shall present you with One hundred Pounds in Gold.

"What we have further to say to you is, Let not our Chain contract any Rust; whenever you perceive the least Speck tell us of it and we will make it clean. This we also expect of you, that it may always continue so bright as our Generations may see their Faces in it; and in pledge of the Truth of what we have now Spoken and our affection to you, we give you this Belt of Wampum."

Which was received with the usual Ceremony.

Canassatego in return spoke as follows:

"Brother Onas, Assaraquoa, and Tocarry-ho-gan—

"We return you thanks for your several Speeches, which are very agreeable to us. They contain matters of great moment; that we propose to give them a very Serious consideration, and to answer them Suitably to their Worth and Excellence, and this will take till To-morrow Morning, and when we are ready we will give you due Notice.

"You tell us you beat the French; if so you must have taken a great deal of Rum from them, and can the better spare us some of that Liquor to make us rejoice with you in the Victory."

The Governor and Commissioners order'd a Dram of Rum to be given to each in a smal Glass, calling it *A French Glass.*

In the Court House at Lancaster, July the 4th, 1744, A. M.

PRESENT:

The Honourable GEORGE THOMAS, Esq^r^ Governor, &^ca^.

The Honourable the Commissioners of Virginia.

The Honourable the Commissioners of Maryland.

The Deputies of the Six Nations.

Conrad Weiser, Interpreter.

Canassatego, Speaker.

"Brother Onas:

"Yesterday you expressed your satisfaction in having been Instrumental to our meeting with Our Brethren of Virginia and Maryland. We in return assure you that we have great Pleasure in this Meeting, and thank you for the Part you had in bringing us together in order to create a good Understanding and to clear the Road; and in token of Our Gratitude We present you with this String of Wampum."

Which was received with the usual Ceremony.

"Brother Onas:

"You was pleased Yesterday to inform us 'That War had been Declared between the Great King of England and the French King; that two Great Battles had been fought, one by Land and the other at Sea, with many other particulars.' We are glad to hear the Arms of the King of England were Successfull, and take part with you in your Joy on this Occasion. You then came nearer home and told us 'You had left your House and were come thus far on behalf of the whole People of Pennsylvania to see us, to renew our Treaties, to brighten the Covenant Chain, and to confirm your Friendship with us.' We approve this Proposition; we thank you for it. We own with Pleasure that the Covenant Chain between Us and Pennsylvania is of Old Standing, and has never Contracted any Rust; we wish it may always continue as bright as it has done hitherto; and in token of the Sincerity of our Wishes we present you with this Belt of Wampum."

Which was received with the Jo-hah.

"Brother Onas:

"You was pleased Yesterday to remind us of Our Mutual Obligation to assist each other in case of a War with the French, and to repeat the Substance of what we ought to do by Our Treaties with you; and that as a War had been already entered into with the

French, you called upon us to assist you, and not to suffer the French to March through our Country to disturb any of your Settlements.

"In answer, We assure you We have all these particulars in our Hearts; they are fresh in our Memory. We shall never forget that You and we have but one Heart, one Head, one Eye, one Ear, and one Hand; We shall have all your Country under our Eye, and take all the care we can to prevent any Enemy from coming into it; and in proof of our Care, we must inform you that before we came here we told *Onantio, our Father, as he is called, that neither he nor any of His people should come through our Country to hurt our Brethren the English, or any of the Settlements belonging to them; there was room enough at Sea to fight; there he might do what he pleased, but he should come upon our Land to do any Damage to Our Bretheren, And you may depend upon our using our utmost care to see this effectually done; and in token of our Sincerity we present you with this Belt of Wampum."

Which was received with the usual Ceremony.

After some little time the Interpreter said, Canassotego had forgot something Material, and desired to mend his Speech, and to do so as often as he should omitt any thing of Moment, and thereupon he added:

"The Six Nations have a great Authority and Influence over sundry Tribes of Indians in Alliance with the French, and particularly over the Praying Indians, formerly a part with ourselves, who stand in the very gates of the French, and to shew our Further care, we have engaged these very Indians, and other Indian Allies of the French, for you. They will not join the French against you. They have agreed with us before we set out. We have put the Spirit of Antipathy against the French in those People. Our Interest is very Considerable with them and many other Nations, and as far as ever it extends we shall use it for your Service."

The Governor said, Canassatego did well to mend his Speech; he might always do it when ever his Memory should fail him in any Point of Consequence, and he thank him for the very agreeable Addition.

"Brother Assaraquoa:

"You told us Yesterday that all Disputes with you being now at an End, you desired to confirm all former Treaties between Virginia and Us, and to make our Chain of Union as bright as the Sun.

"We agree very Heartily with you in these Propositions; we thank your good Inclinations; we desire you will pay no regaird to any Idle Stories that may be told to our Prejudice, and as the Dis-

*Onantio, the Governor of Canada.

pute about the Lands is now entirely over, and we perfectly reconciled, we hope for the future we shall not Act towards each other but as becomes Brethren and Hearty Friends.

"We are willing to renew the Friendship with you, and to make it as firm as possible for us and our Children, with you and your Children to the latest Generation, and we desire you will imprint these Engagements on your Hearts in the Strongest manner; and in confirmation that we shall do the same we give you this Belt of Wampum."

Which was received with Jo-hah from the Interpreter & all the Nations.

"Brother Assaraquoa:

"You did let us know yesterday that tho' you had been disapointed in your Endeavours to bring about a Peace between us and the Catawbas, yet you would still do the best to bring such a thing about. We are well pleased with your Design, and the more so as we hear you know what sort of People the Catawbas are—that they are spitefull and Offensive, and have Treated us Contemptuously. We are glad you know these things of the Catawbas. We believe what you say to be true, that there are, notwithstanding, some amongst them who are Wiser and better; and, as you say, they are your Brethren and belong to the Great King over the Water, we shall not be against a Peace on reasonable Terms provided they will come to the Northward to Treat about it. In Confirmation of what we say, and to encourage you in your Undertaking, we give you this String of Wampum."

Which was received with the usual Ceremonys.

"Brother Assaraquoa:

"You told us likewise you had a Great House Provided for the Education of Youth, and that there were several white People and Indian Children there to learn languages and to write and read, and invited us to send some of our Children among you, &ca.

"We must let you know we love our Children too well to send them so great a way, and the Indians are not inclined to give their Children learning. We allow it to be good, and we thank you for your Invitation; but our Customs differing from your's you will be so good as to excuse us.

"We hope Tarachawagon* will be preserved by the Good Spirit to a good old age. When he is gone under Ground it will then be time enough to look out for another; and no Doubt amongst so many Thousands as there are in the World one such Man may be found who will serve both Parties with the same Fidelity as Tarachawagon does; while he lives there is no room to complain. In token of our

* Tarachawagon, Conrad Weiser.

Thankfulness for your Invitation we give you this String of Wampum."

Which was received with the usual Ceremony.

"Brother Tocarry-hogan:

"You told us yesterday that since there was now nothing in Controversie between us, and the Affair of the Land was Settled to your satisfaction, you would now brighten the Chain of Friendship which hath Subsisted between you and us ever since we became Brethren. We are well pleased with the Proposition, and we thank you for it. We also are inclined to renew all Treaties and keep a good Correspondence with you. You told us further, if ever we should perceive the Chain had Contracted any Rust to let you know and you would take care to take the Rust out, and preserve it bright. We agree with you in this, and shall, on our Parts, do every thing to preserve a good Understanding, and to live in the same Friendship with you as with our Brothers Onas and Assaraquoa; in Confirmation whereof we give you this Belt of Wampum."

On which the usual Cry of Yo-hah was given.

"Brethren:

"We have now finished our Answer to what you said to us Yesterday, and shall now proceed to Indian Affairs that are not of so General a Concern.

"Brother Assaraquoa:

"There lives a Nation of Indians on the other side of your Country, the Tuscaroraes, who are our Friends, and with whom we hold Correspondence; but the Road between us and them has been stopped for some time on Account of the Misbehaviour of some of Our Warriors. We have open'd a New Road for our Warriors and they shall keep to that; but as that would be inconvenient for Messengers going to the Tuscaroraes we desire they may go the old Road. We frequently send Messengers to one another, and shall have more Occasion to do so now that we have concluded a Peace with the Cherikees. To enforce our Request we give you this String of Wampum."

Which was received with the usual Cry of Approbation.

"Brother Assaraquoa:

"Among these Tuscaroraes there live a few families of the Conoy Indians who are desirous to leave them and to remove to the rest of their Nation among us, and the Straight Road from them to Us lyes through the Middle of your Country. We desire you will give them free passage through Virginia, and furnish them with Passes; and to enforce our Request we give you this String of Wampum."

Which was received with the usual Cry of Approbation.

"Brother Onas, Assaraquoa, and Tocarry-hogan:

"At the close of your respective Speeches Yesterday you made us very handsome Presents, and we should return you something suitable to your Generosity; but, alas, we are poor, and shall ever remain so long as there are so many Indian Traders among us. Their's and the white People's Cattle have eat up all the Grass, and made Deer Scarce. However, we have Provided a Small Present for you, and tho' some of you gave us more than others, yet as you are all equally Our Brethren, we shall leave it to you to divide it as you Please." And then presented Three Bundles of Skins which were received with the usual Ceremony from the three Governments.

"We have one thing further to say, and that is We heartily recommend Union and a Good Agreement between you our Brethren. Never disagree, but preserve a strict Friendship for one another, and thereby you as well as we will become the Stronger.

"Our wise Forefathers established Union and Amity between the Five Nations; this has made us formidable, this has given us great weight and Authority with our Neighboring Nations.

"We are a Powerfull confederacy, and by your observing the same Methods our wise Forefathers have taken, you will acquire fresh Strength and Power; therefore, whatever befalls you, never fall out with one another."

The Governor replied:

"The Honourable Commissioners of Virginia and Maryland have desired me to Speak for them, therefore I, in behalf of those Governments as well as of the Province of Pennsylvania, return you thanks for the many Proofs you have given in your Speeches of your Zeal for the Service of your Brethren the English, and in particular for your having so Early engaged in a Neutrality the Several Tribes of Indians in the French Alliance. We do not Doubt but you will faithfully Discharge your Promises. As to your Presents, we never estimate these things by their Real Worth, but by the Disposition of the Giver. In this Light we accept them with Great Pleasure, and put a high value upon them. We are obliged to you for Recommending Peace and Good Agreement amongst ourselves. We are all Subjects as well as you of the Great King beyond the Water, and in Duty to his Majesty and from the good Affection we bear to each other, as well as from a regard to our Interests, we shall always be inclined to live in Friendship."

Then the Commissioners of Virginia presented the Hundred Pounds in Gold, together with a Paper containing a Promise to recommend the Six Nations for further favor to the King, which they received with Yo-hah, and the Paper was given by them to Conrad Weiser to keep for them. The Commissioners likewise Promised that their publick Messengers should not be Molested in their Pas-

sage through Virginia, and that they would prepare Passes for such of the Conoy Indians as were willing to remove to the Northward.

Then the Commissioners of Maryland presented their Hundred pounds in Gold, Which was likewise received with the Yo-hah.

Canassatego said, "We mentioned to You Yesterday the Booty you had taken from the French, and asked you for some of the Rum, which we supposed to be part of it, and you gave us some, but it turned out unfortunately that you gave us it in French Glasses, we desire now You will give us some in English Glasses."

The Governor made answer, "We are glad to hear you have such a Dislike for what is French. They cheat you in your Glasses as well as in every thing else. You must Consider we are at a Distance from Williamsburg, Annapolis, and Philadelphia, where our Rum Stores are, and that altho' we brought up a good quantity with us, you have almost drank it out; but notwithstanding this, we have enough left to fill our English Glasses, and will Shew the Difference between the Narrowness of the French and the Generosity of the English towards you."

The Indians gave in their Order five Yo-hahs, and the Honourable Governor and Commissioners calling for some Rum and some middle-Sized Wine Glasses drank Health to the Great King of England and the Six Nations, and put an End to the Treaty by three loud Huzza's, in which all the Company Joined.

In the Evening the Governor went to take his leave of the Indians, and presenting them with a String of Wampum he told them that was in return for one he had received of them, with a Message to desire the Governor of Virginia to suffer their Warriors to go through Virginia unmolested, which was rendred unnecessary by the Present Treaty.

Then presenting them with another String of Wampum, he told them that was in return for their's, praying him that as they had taken away one Part of Conrad Weiser's Beard, which frightned their Children, he would please to take away the other, which he had ordered to be done.

The Indians received these two Strings of Wampum with the usual Yo-hah.

The Governor then asked them what was the reason that more of the Shawanaes from their Town on Hohio, were not at the Treaty? But seeing that it would require a Council in Form, and perhaps another day to give an answer, he desired they would give answer to Conrad Weiser upon the Road on their Return Home, for he was to Set out to Philadelphia the next Morning.

Canassatego in Conclusion spoke as follows:

"We have been hindred by a great deal of Bussiness from waiting on you to have some private Conversation with you, chiefly to

enquire after the Health of Onas beyond the Water; we desire you will tell them we have a grateful Sense of all their Kindness for the Indians. Brother Onas told us when he went away he would not stay long from us; we think it is a great while, and want to know when we may expect him, and desire when You write You will recommend us heartily to him;" which the Governor promised to do, and then took his leave of them.

The Commissioners of Virginia gave Canassatego a Scarlet Camblet Coat, and took their leave of them in form, and at the same time delivered their Passes to them, according to their Request.

The Commissioners of Maryland presented Gachradodow with a Broad Gold-laced Hat, and took their leave of them in the same manner.

At a Council held at Philadelphia the 31st July, 1744.

PRESENT:

The Honourable GEORGE THOMAS, Esquire, Lieutenant Governor.

Clement Plumsted,	Thomas Laurence,	Esqrs.
Samuel Hasell,	Ralph Assheton,	
Abraham Taylor,	Robert Strettell,	

The Minutes of the preceeding Council were read and approved.

The Governor laid before the Board the Draught of a Message to the Assembly, which was read and approved, and is as follows:

"Gentlemen—

"Since your last adjournment, his Majesty's Declaration of War against the French King has, by his Command, been published here, and a Proclamation been issued by me, with the Advice of the Council, requiring all Persons under my Government able to bear Arms forthwith to provide themselves with them, that they may be in a good condition not only to defend this his Majesty's Province, their own Persons, Families, and Estates, but to attack the Enemy in case it shall be required of them. Lists of such as are thought the best qualify'd in the several counties to discipline the Inhabitants, are preparing, and Commissions will be made out for them with all convenient dispatch. This my Journey to Lancaster to meet the Indians prevented my doing sooner, and is all that is at present in my Power to do. The providing a Magazine of Arms and Ammunition to be ready for all exigencies, lies upon the Assembly, and it is the Duty of the Legislature to render the Strength we have useful to the King, our neighbours, and ourselves, by a Law for settling and regulating a Militia agreeable to the Practice in all other His Majesty's Colonies. Without a Law for this Purpose, my Commissions will carry no authority with them (if Persons should be

found to accept of them), as the Inhabitants will not appear at any certain stated times for their Instruction in Military Discipline, nor provide themselves with Arms or Ammunition. Nor without such a Law will it be possible to draw them together to repel an Invasion upon this Province, or to send Assistance to New York, or any other of our Neighbors, in case they should be attacked. We have not now the Slothful Spaniard only to deal with. The French are an active, enterprizing Enemy, and however quiet we are at present, or however secure we may now think ourselves, it is not to be doubted but they are Meditating a Blow to be struck where they think it may be done with the least Danger and most advantage to themselves. But whether this be so or not, it is right to Suspect them, and the best Policy to be always upon our Guard. I, for my Part, shall be willing to pass any Bill that shall be laid before me for the purposes I have mentioned, and as readily agree to any Resonable Indulgence to such as are Religiously persuaded against bearing Arms.

"I have it likewise in Command from his Majesty to do every thing in my Power to encourage the fitting out Ships to act as Privateers against the Enemy. This I have done from a Principle of Obedience; but whoever reflects on the Increase of the French Trade in America, and at the same time on the Great Accession of People to His Majesty's Northern Colonies since the last War, and the Materials they are furnished with for Building and equipping Private Ships of War for distressing the French in their Settlements, Trade, and Commerce, will be convinced that His Majesty has well considered the Interest of his Subjects in these Orders, and that Success in the Execution of them may have great effects even towards bringing the Enemy to Reason, and the War to a Speedy end. I shall but just hint to you that our having a Number of Men and Vessels equipped for Service as Privateers, since some of them will probably be alwise in Port, may likewise be greatly for the Security of this City in case of an attempt upon it by the Privateers of the Enemy. This part of the King's Dispatches leads me to ask you, what is to be done with any French Prisoners that shall be brought hither? How are they to be maintained? And how am I to be furnished with a Guard for Securing them in Prison here, or for escorting them to the Prisons in the Country? For it will not be prudent or safe either to allow them to walk at Large, or to keep any number of them in the Prison of a Town Circumstanced as this is. If you make a Provision for them at the Expence of the Publick, Some of them may be sent away by every Vessel Bound to England, or other Parts of Europe, and some reserved in different Prisons in the Country, for recovering the Liberty of such of our Country-men as may have the Misfortune to fall into the Enemies' Hands; But if you refuse to do this, our Privateers, to avoid the Expence of maintaining Prisoners here, will of Course set them on shore in some remote Parts of the French Settle-

ments, where the Sailors of the French Merchantmen will commence Privateers upon his Majesty's Subjects, and our Countrymen will languish in the French Prisons for want of French Prisoners to exchange for them. These are matters worthy of your most serious Consideration, and I hope you will enable me to Act in such a Manner as may be for the good of your fellow-subjects in general, and as may Conceal from an Observing Enemy the Weak side of your own Country in particular.

"I have now something more agreeable to lay before you, the Treaty with the Indians of the Six Nations at Lancaster. You will see that they have made a Solemn Renewal of their Friendship with us, and have given me the strongest assurances that they will not suffer the French or any Indians in Alliance with them to march through their Country to disturb any of our settlements, and that they will give us notice of any Designs that may be formed against us by the Enemy, so as they shall come to the Knowledge of them. They have likewise promised to send down some of the Delaware Chiefs with the two Indians present at the Murder of Armstrong and his two Men, for their Examination. Their differences with Virginia and Maryland are also happily accommodated, which must be a very sensible pleasure to every man in the Province, considering that otherwise we should have been unavoidably involved in the Quarrel. The Invitations to the Treaty having been from those two Governments, I did not think it reasonable that any Part of the Expence of Entertaining the Indians should fall upon Pennsylvania. As to the Expence of my Journey, they were such as became the Character I was to maintain; I should have been better pleased if I could have lessened them with Credit to the Province.

Observing that there was but one of the Shawonese from their principal Town upon Ohio at the Treaty, I set a-foot an Enquiry into the Reason of it; and I have been since informed that the Six Nations and the Shawonese are far from being on Good Terms, and that the latter have been endeavouring to draw the Delawares from Shamokin to Ohio, from whence the Six Nations entertain a Jealousy of some ill designs; and it is Whispered amongst them, that should they be obliged to take part in the War between us and the French, they will have the Shawonese and perhaps the Delawares also to Oppose them. As our Influence may have some effect on the Delawares to prevent their Removal to Ohio, it is fortunate that some of their Chiefs are coming down. The Shawonese sent me word the two last summers that they designed me a Visit; but altho' I returned them a very kind Invitation in writing by the same Messengers, they did not come. And indeed it is observable that the Closer our Union has been with the Six Nations the greater distance they have kept from us. I wish any method could be fallen upon to secure them effectually to the British Interest, as they lie upon one Part of our Frontiers, and our most

valuable Trade for Skins is with them; but considering their Frequent intercourse with the French and their Inconstancy, I almost despair of it.

"I cannot but be apprehensive that the Indian Trade as it is now carry'd on will involve us in some fatal Quarrel with the Indians. Our Traders in Defiance of the Law carry Spirituous Liquors amongst them, and take the Advantage of their inordinate Appetite for it to cheat them of their Skins and their Wampum, which is their Money, and often to debauch their Wives into the Bargain. Is it to be wondered at then, if when they Recover from the Drunken fit they should take severe Revenges. I shall do all that lies in my Power to prevent these Abuses by ordering a Strict Observance of the Law relating to Licenses, and the rigidest Prosecutions against such as shall be discovered to Sell Rum to the Indians. But I am Sensible these will avail but little, the ill practices of these people being carry'd on in the Woods, and at such a Distance from the Seat of Government that it will be very difficult to get Evidences to Convict them. If I am Rightly informed, the like abuses of the Traders in New England were the principal Causes of the Indian Wars there, and at length Obliged the Government to take the Trade into its own Hands. This is a matter that well deserves your Attention, and perhaps will soon require your imitation.

"GEO. THOMAS.

"July 31st, 1744."

—

August y^r^ 11th.

MEMORANDUM.

The following Message from the Assembly was Delivered to the Governor in answer to his Honour's of the 31st of July, by two Members of Assembly:

"May it please the Governor—

"The Sentiments of the Present Assembly on that part of the Governor's last Message which relates to the Defence of the Province have been so often expressed, and are so well understood by the Governor, that we think any further Explanation at this time can be of no use. The Governor is pleased to inform us he hath already issued a Proclamation with the Advice of Council, 'Requiring all Persons under his Government able to bear Arms forthwith to Provide themselves with them, that they may be in a good condition not only to defend this his Majesty's Province, their own Persons, Families, and Estates, but to attack the Enemy, in case it shall be required of them; And that Lists of such as are thought best Qualifyed in the Several Counties to discipline the Inhabitants are preparing, and that Commissions will be made out for them with all convenient Dispatch.' By Commissions from former Governor's

a Militia was raised within this Province, and as it seems to be warranted by our Charter of Priviledges, it will we hope excuse us from preparing a Bill to this End.

"As to that part of the Governor's Message which relates to French Prisoners, we are of Opinion it might be for the Advantage of the Province that those by whom they shall be taken should rather carry them into some other Part of the King's Dominions than bring them amongst us; however such of them as are or shall be brought in ought to be taken care of. This we must leave to the Governor's Prudent management that it be done at the least Expence, and such Prisoners sent out of the Government as soon as it can be done with Convenience; And the Charge that shall arise when known, we make no question but that succeeding Assemblies will pay.

"The Success which Attended the Governor's Endeavours for accomodating the Differences that lately subsisted between Virginia and Maryland and with the Indians of the Six Nations, his 'obtaining a Solemn Renewal of their Friendship with us, and their Strongest Assurances that they will not suffer the French or Indians in their Alliance to march thro' their Country to disturb any of Our Settlements,' as it may be the Means of preserving of Peace and Preventing Danger on our Frontier, affords us great satisfaction; and we return the Governor our Hearty thanks for his care and Conduct in the Management of this Treaty. The Expence which accrued on that Occasion appears to us to be reasonable, and we shall make due Provision for its being paid.

"It were to be wished that the Shawonese were on better Terms with the Six Nations; Their 'endeavouring to Draw the Delawares from Shamokin to Ohio' has no good aspect; and as it occasions the Six Nations 'to entertain a Jealousy of some ill designs,' we desire the Governor will use his Influence with the Chiefs of those Delawares when they come down to prevent their Removal from Shamokin; and if any Method can be fallen upon to secure them effectually in the British Interest which requires our Assistance, we shall cheerfully contribute what can reasonably be expected from us to so good a Purpose.

"The Apprehensions the Governor is under 'That the Indian Trade as it is now carry'd on will involve us in some fatal Quarrel with the Indians, is not without good Cause. The Traders in Defiance of the Law carrying Spirituous Liquors amongst them, their Cheating of them of their Skins and Wampum, and Debauching their Wives,' are Crimes which have been frequently complained against, and it is to be feared not without just Grounds. And therefore the Resolutions the Governor hath been pleased to take 'to do all that lies in his Power to Prevent these abuses by ordering a Strict Observance of the Laws relating to Licences, and the rigidest prosecutions against such as shall be discovered to Sell Rum to the

Indians,' we very much approve, and believe it may in a good d
gree remedy the Evil complained against To provide a Bill f
amending the Law in respect to Indian Traders would, we thin
require longer time than will be convenient for us to stay togeth
at this Season of the Year; and that, therefore, it will be best r
ferred to the Consideration of the Succeeding Assembly.

"Signed by Order of the House,

"JOHN KINSEY, Speaker."

The two Members at the same time acquainted the Governor th
the House propos'd to adjourn to the 30th of September, unless h
had any thing to lay before them that might require their long
stay. The Governor said he had no objection to the proposed tim
of Adjournment, but as some of the Delaware Chiefs were expecte
down before another Meeting of Assembly, he was desirous to kno
the Mind of the House as to their Maintainance and the Presen
to be made them.

At a Council held at Philadelphia the 21st August, 1744, A. D

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Go
ernor.

William Till, Abraham Taylor, } Esquires.

John Kinsey, Esqr., Speaker of the Assembly.

The Deputies of the Delaware Indians.

The Governor order'd the Interpreter to tell the Indians he w
ready to hear what they had to say.

Quidahickqunt Spoke as follows:

"Brother, the Governor:

"Alomipas, our Chief, is Sick, and has Deputed me to Speak t
him. He had been often here, and always before this time,
Occasions that have been good and agreeable. Now we come up
a very unhappy Affair, something worse than any thing that ev
happen'd before, and which we are very Sorry for.

"We remember all our Treaties, and that by them we becam
one Body and one People with our Brethren; We remember eve
part of them, and the Engagements we are under by them not
hurt our Brethren. And we freely confess that Blood has be
Spilt by us contrary to the Chain of Friendship, tho' we, on o
part, have had no design to break it.

"The Road from us to this Town has always been clear and ope
but now we own we have laid a great Tree a-cross it that has almo
block'd it up, and has rendred it impassable; and we are con

down to endeavour to take it away, and to make the Road as clear as ever; and in token of the Sincerity of our Dispositions we present you with this String of Wampum.

"This Murder has, no doubt, filled our Brethren's Eyes so full with Tears that they cannot see us. We desire to wipe the Tears from their Eyes that they may see us, the Sky, and every thing else, as they used to do before the Murder happened; and for this purpose we present you with a Bundle of Skins.

"This Murder has been as great a grief to our Hearts as to Yours; it gives us great Pain when we think of it. We would, however, remove out of your Hearts the Spirit of Resentment and Revenge against Us for it; and in order to induce you to moderate your Anger we give you this Bundle of Skins.

"By an Article in all our Treaties we mutually engage, let what will happen it shall not break the good Correspondence that is between Us; and now that this unhappy affair has happen'd, we are come down to desire it may not occasion a Breach of Friendship, but that notwithstanding this we may still continue Brethren, and to induce you we give a Bundle of Skins."

At a Council held at Philadelphia in the Supreme Court Room the 21st of August, 1744, P. M.

PRESENT:

Thomas Laurence, Samuel Hasell, } Esqrs.
William Till, Abraham Taylor, }

The Chief Justice.

Shick Calamy, Deputy of the Six Nations, and
The Deputies of the Delaware Indians.

Nicholas Scull, and Marcus Hewling, } Interpreters.

The Governor Spoke as follows:

"Brethren—

"I am well pleased with what you said in the Morning, as it is a testimony of the good Disposition of the Delaware Nation to preserve the Treaties Subsisting between Us and them. We, on our Part, are well inclined to preserve a good Understanding, notwithstanding what has happen'd; but there must be something done first before we proceed to that; the Road is now obstructed and it must be made perfectly clear and free.

"I do not impute the Murders that have been Committed to the whole Delaware Nation. I impute them only to the People that

Committed them; but it lies on the whole Delaware Nation to see that Justice be done by delivering up the persons present, when the Murders were committed, to be examined and Punished according to Law.

"I have not forgot the Promise I made to the Six Nations at Lancaster, that in case the two young men should, on Examination, be found innocent, they should not be punished but sent safe back to their Friends. I expect, therefore, that you will immediately point out the two Persons, and cause them to be brought to the Chief Justice To-Morrow Morning to be examined. After this is done I have other Business to Speak upon."

Shick Calamy caused the two Young Men to stand up, and pointing to them said, they were the two, and should be carefully brought to be examined by the Chief Justice in the Morning;

And after a little while added, "Brethren you have one of Our Cousins in Prison, and he has told some of our Young men that he would make his Escape this Night; he is Master of the Black Art and a Conjurer, therefore take care of him."

The Governor told Shick Calamy he defied the Devil and all his Works, and he need not be under any Apprehensions, The Indian should be well Guarded, and immediately gave orders to the High Sheriff, who was in waiting, to put him in Irons and to confine him closely.

At a Council held at Philadelphia in the Chamber of the Supreme Court on the 24th of August, 1744, A. M.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

Ralph Assheton, Robert Strettell, } Esqrs.
William Till, }

The Chief Justice.

The Deputies of the Delaware Nation.

The Governor Spoke as follows:

"Brethren of the Delaware Nation:

"When you had done Speaking the other Day, I insisted you should immediately deliver up the two Young Men who were present at the Murder of John Armstrong and his Men, to be Examined by the Chief Justice, and when that should be done, and they Examined, I then told you I would give you an Answer to the Several Matters mentioned by you.

"I understand the two Young Men were accordingly delivered and have been Examined, and the Chief Justice reports to me that for

any thing which appears in their Examination they were not Concerned in any of the Murders.

"The next thing in course would be to proceed immediately to the Tryal of Musha Meelan, as well to give you the Satisfaction of being Present as to have the benefit of these Young Men's Evidence, for before he can be condemned they must Speak publickly in a Court of Justice once more what they said in their Examination before the Chief Justice; but as several things Previous to the Tryal are to be done by our forms of Law, which require time, this will make it too long for you to stay. Your Forms and ours differ widely, but ours we know by long Experience are good; they were made for Us by the Great King over the Seas, and it will be for the Benefit of the Indians to be tryed in the same manner the white People are. In Six Weeks or little more, Musha Meelan will be tryed, and then I desire you would send down the two Young Men to give the same Account at the Tryal as they did before the Chief Justice, and I give you the Strongest Assurances that they shall be taken good care of and sent back soon and with safety.

"These points being Settled, and taking it for granted that you will comply with our Request and send down the two young men at the time appointed, I shall now go on to answer the Several things mentioned by you at your first Meeting.

"You say it was you who stopped up the Road and layd a great Tree a-cross it—that by these Murders you have broke the Treaties between us, but are willing to open the Road again, to free it from all Obstructions, and to renew the Chain of Friendship, and to recover a good Understanding; And in token of your Sincerity you presented Us with a String of Wampum.

"These, your Declarations, are well received by us; we are willing to be reconciled to you—we expect you will make good these Professions, and take care to prevent such outrages for the future, and in token of our Willingness to admitt you again into Friendship we present you with this String of Wampum.

"Brethren:

"We accept of your Bundle of Skins, and have concluded that they shall not be put to the Account of the Government, but given to the Widow and Children of the Deceased, to wipe away their Tears. And as Friendship is now perfectly restored, we design to make you a Present of Goods in token of our reconciliation, and shall order them to be ready to deliver to you in the afternoon.

"Before I conclude, I must say something of the same kind I sayd to the Six Nations. Tho' the Indian Traders are not the best sort of People, and may do you hurt, yet you are not to take Revenge yourselves, but apply in all such Cases to Conrad Weiser, who is a Justice of Peace, and will hear your Complaint and procure you such redress as our Law will give."

Shick Calamy replyed as follows:

"Brother, the Governor:

"We have heard your Answer to what we sayd the other Day, and return you Thanks for giving Us so favourable a one, and for taking us again into your Friendship.

"Brethren:

"Since it is now understood how this Thing came about, and that the Sun which was darken'd now Shines again as clear as ever, we give you this Belt of Wampum to cover the Wound that we have made."

Here he laid down a Belt.

"Since this unhappy Affair is now fully ended, we give you this Belt of Wampum to take away the Hatchet."

Here he laid down another Belt.

"If the Hatchet be removed but a little way it may, perhaps, be Seen, and being Bloody give offence; We therefore bury it with this Belt deep under Ground, that it may never be seen more, nor remember'd by Us nor those who are under the Ground to the latest Posterity."

Here he laid down another Belt.

"Let this String of Wampum serve to Clear the Air that was rendred foul and Corrupted by this unhappy Murder."

Here he laid down a String.

"Let this String of Wampum serve as fewel to the Council Fire, to make it burn as clear as ever.

"Let this String of Wampum serve to take the Overflow of Gall out of your Entrails, for such a foul offence as this always occasions an overflow of the Gall which must be taken out."

At a Council held in the Supream Court House the 24th August, 1744, P. M.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

William Till, } Esqrs.
Ralph Asheton, }

The Governor spoke as follows:

"Brethren of the Delaware Nation:

"In the Forenoon you gave a Belt of Wampum to Cover the Wound, and another to remove the Hatchet; I accept your Belts and consent that the wound be cover'd and the Hatchet removed, and this unhappy affair buried under ground. In hopes that the Air

may be rendred Pure and never infected again by such an Accident, I present you with this String of Wampum.

"That the Council Fire, tho' almost extinguished, may burn rather Brighter than it did before, I give you this String.

"And as a proof that my resentment has entirely Subsided, my Gall is removed, and that I shall never more bear in remembrance this unhappy affair,

"I give you this String of Wampum."

The Governor then ordered the Interpreter to enquire whether they had come to a resolution of sending the two Young Men down.

They answered: "they had had the matter under their Consideration, and tho' they had good Inclinations to Oblige the Governor, did not doubt but the Young Men might be very safe sent, yet they could not undertake to do it without the Consent of their Chief; that on their Return they would Communicate the Governor's Request to Alimopas, and did not doubt but the Young Men might be sent down at the time."

A string of Wampum.

"The Conoy ——— Indians on Sasquehanna having removed higher up to be near us, we take this opportunity to inform the Governor of it, and on their behalf give this String of Wampum."

After what was publickly transacted was finished, the Governor desired Conrad Weiser to bring Shick Calamy and four or five of the principal Indians to his House, that he might have some private Conversation with them; and accordingly Shick Calamy the Delaware Speaker, and five others, waited upon the Governor the next Morning, when the Governor told them that having heard some of the Shawnese from Hohio had been with them, and Invited them to remove from Shamokin to Hohio, he was desirous to know the Truth of it. To which * * * * * * * * answered, that the Shawnese at Hohio had indeed invited Cacawichiky and the Shawnese Indians at his town to Hohio, and that they had removed thither, and that their Uncles the Mingos had sent a Messenger to Cacawichicky with a Belt of Wampum, to know the reason of their removal, and to invite them back again to their former Settlement, to which no answer was yet come; but that the Shawnese had never Sent any such Invitation to the Delawares, and if they had they would not have Accepted of it; for they knew them to be a false People and to have ill minds, but would have sent their Brother, the Governor, an Account of it. The Governor, after Expressing his Satisfaction at what they had said, asked them as Alumapies was growing very old, and seemed by what they had told him to be at the point of Death, who they intended to Choose for their Chief when that should happen. To which * * * * * * answered that they had not yet come to any Resolution on that mat-

ter, but as soon as they did they would give the Governor Notice of it. The Governor then recommended to them to be very carefull in their Choice, and especially with regaird to the Sobriety of the Person; for that one who was greedy of Strong Liquor would neither be able to Advise nor to Act for the Interest of their Nation; for which Advice they all gave the Governor thanks, and promised to follow it; and after expressing great Satisfaction at the Governor's kind treatment of them, they took their leave of him and set out for Shamokin.

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Philada., Octr 4th, 1744.

MEMORANDUM.

A Council was Summon'd to consider of the Returns of the Sheriffs and Coroners of the several Counties for the Year ensuing, but none of the Members attending, His Honour ordered That Commissions be made out to Nicholas Scull, Esqr as Sheriff, and Henry Pratt, Gentleman, as Coroner of the City and County of Philadelphia. To John Hart, Esqr as Sheriff, and Joseph Chapman, Gentleman, as Coroner of the County of Bucks. To John Owen, Esqr as Sheriff, and Thomas Morgan, Gentleman, as Coroner of the County of Chester. To John Sterrat, Esqr as Sheriff, and Robert Thompson, Gentleman, as Coroner of the County of Lancaster.

The Governor also ordered Commissions to be made out to Samuel Bickley, Esqr as Sheriff, and Benjamin Cook, Gentleman, as Coroner of the County of Newcastle. To Thomas Green, Esqr as Sheriff, and Thomas Parke, Gentleman, as Coroner of the County of Kent; and to William Shankland, Esqr as Sheriff, and Robert Gill, Gentleman, as Coroner of the County of Sussex.

On the 14th Octobr Five Members of the Assembly waited upon the Governor and acquainted him that in pursuance of the Charter of Priviledges and Laws of this Province a Quorum of the Representatives were met and had chose their Speaker, and desired to know when the Governor would be pleased to receive the House in order to present him. His Honour appointed twelve o'clock next day.

At a Council held at Philadelphia the 16th October.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

Clement Plumsted, Samuel Hasell,
Ralph Assheton, Abraham Taylor, } Esqrs.
Robert Strettell,

The Minutes of the preceeding Council were read and approved.

The Whole House waited on the Governor at the Time by him

appointed, and having presented John Kinsey, Esq^r^ as their Speaker, and the Governor having approved their Choice, the Speaker made the usual Claim of Privileges; and the Governor was pleas'd to say in Answer, that so long as he should have any Thing to do with the Administration of the Government those Priviledges should be inviolably preserved to the Assemblies of this Province.

The Governor laid before the Board two Messages which he had prepared to send to the House, which were approved, and are as follows:

A Message from the Governor to the Assembly.

"Gentlemen:

"As it is the Duty of my Station to be at all Times watchfull over the Interests of the Province under my Government, and as nothing more essentially concerns them than the Security of its Trade and Navigation, I think my self indispensably obliged to lay hold of the first Opportunity of delivering to You my sentiments upon a very late Incident, which, as it cannot but have come to your Knowledge, must have in some degree likewise engaged your Thoughts before your Meeting together; that is, the taking of four Vessels upon our Coast by a French Privateer Ship of considerable Force, and the Captain's giving the Men leave to go on Shore, with this contemptuous Circumstance, that he was too well acquainted with Philadelphia to apprehend their sending out any Thing to attack him, and that he therefore design'd to Cruize a Fortnight longer in the same Place. If he did not stay out that Time it may be concluded he did his Business sooner, and from the Success he met with that this Ship and the Two Privateer Brigantines, equipped at Louisburg at the same Time, will soon return to an Harvest Plentifull and to be reaped without Danger.

"Is it not a Reproach to the Name of Englishmen to suffer themselves to be thus insulted when they have the Means in their Hands to maintain their ancient Character? For under proper Regulations a Ship might have been equipped in a few Days capable of driving this Privateer from the Coast, or of bringing her in. And will not your Trade be entirely ruined when the Enemy are convinced by Experience that they may not only Cruize upon Your Coast, but Block up your Port with Impunity? The French in America seemed at first unprepared for War, but now they begin to Act, and it is highly probable their Privateers will Swarm upon our Coast next Summer if we do not put ourselves in a Condition to Act against them, to Convoy our Vessels off, and to protect them when they come upon our Coast. The Governments of New-England, Rhode-Island, and Connecticut, enter'd early into this Method of securing their Trade, and Virginia has been lately obliged, from the Disability of the King's Ships upon that Station, to do the same.

"*It is not difficult to* forsee the ill consequences that will ensue

upon a want of Attention, or an ill-timed Parsimony in a Matter of this Importance. If the British Merchants, as well as our own, are not as well protected by this as by other Governments, the Trade of this City will soon be at an End; for no man will carry it on at a certain loss From hence will follow the Loss of your Ship-building; and the Ship-wright, Smith, Joiner, and all other Artificers concern'd in equipping that noble Machine, must seek for employment elsewhere; and when this Trade is once lost, the Example of a neighbouring City shews that it is not easily to be recover'd. This whole City, indeed, in some way or other depends upon the Merchant, and if he cannot Trade to Advantage it will be soon very sensibly felt by the whole. Even the Farmer, who is too apt to consider the Landed and the Trading Interest in opposition to each other, must confine his Produce to the Consumption of his own family, if the Merchant is disabled from exporting it to foreign Markets.

"In Opposition to the fitting out a Vessel for the protection of your Trade, I know it has been said that it is a needless Expence to the Province, since the King's Ships stationed at New-York and Virginia are sufficient to clear the Coast of the Enemies Privateers. But we are now convinced from Experience that the King's Ships have been order'd upon other Services, and that what with the Desertion of their Seamen and their being out of Repair at their return to their Stations, the whole Summer has been spent before they could put to sea again.

"GEO. THOMAS.

"October 16th, 1744."

A Message from the Governor to the Assembly.

"Gentlemen:

"By the last Vessel from Bristol I receiv'd a Letter from the Proprietaries, enclosing a Copy of a Bill brought into the House of Commons last Session by Sir John Barnard, Colonel Bladen, and Mr. Fane, in consequence of a Petition, sign'd by Twenty-four Merchants, to prevent the issuing Bills of Credit in the Colonies as a Tender for the Payment of Debts. The Bill was order'd to be Printed, that it may be consider'd next Session. The Gentlemen who brought it in being of great figure and weight in the House, it is concluded that it will be well supported.

"As the Interest of this Province may be greatly affected by this Bill, I think it highly adviseable that you immediately prepare a set of Instructions, and Transmit them by the first opportunity, for obviating any Objections that may be raised against the Paper Currency here. Mr. Patridge, as Agent for Rhode-Island, has already engaged Mr. Paris in behalf of that Colony.

"GEO. THOMAS.

"Octob^{r} 17th, 1744."

17th October.

MEMORANDUM.

The Governor sent to the House a Copy of the Minutes of Council at the late Treaty with the Delaware Indians, together with a Letter from Mr. Conrad Weiser, relating to Indian Affairs.

At a Council held at Philadelphia the Eighteenth Day of October, 1744.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

Ralph Assheton, Robert Strettell, } Esqrs.
Abraham Taylor, }

The Minutes of the preceeding Council were read and approved.

The Governor having Yesterday received from the Assembly a Bill for the Speedy Tryal of Capital Offences committed by any Indian or Indians in the remote parts of the Province, the same was read, and it being the Opinion of the Board that the word (Remote) was of an uncertain signification, and that it might be as useful to have all Capital Offences that shou'd be committed by Indians in any part of the Province tryd in the Supream Court at Philadelphia, and likewise that the Expences of such Prosecutions should be born by the Province, and not by any particular County, The Secretary was Charged with a Verbal Message to the Assembly, to recommend to them to amend the Bill as to those two Points, but at the same Time to acquaint the House that His Honour would pass the Bill as it is in case they should not incline to alter it.

At a Council held at Philadelphia, the 19th October, 1744.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

Clement Plumsted, Abraham Taylor, Esqrs.

The Minutes of the Preceeding Council were read and approved.

The Governor informed the Board that two Members of Assembly waited upon him Yesterday in the afternoon to know when he would be pleased to receive the House in order to the Enacting into a Law the Bill for the more speedy Tryal of Capital Offences committed by any Indian or Indians in the remote parts of the Province, and *that he had appointed* to receive the House at twelve o' clock to-day,

and that at the same Time the two Members deliver'd him a paper, which was read, and is as follows, viz^{t} :

"In Assembly, October 18th, 1744, P. M.

"The House taking into their Consideration the several Messages which they received from the Governor,

"Resolv'd,

"That Samuel Levis and Abraham Chapman do wait upon the Governor and return him the Hearty Thanks of the House for the care he has shewen for the Province, and particularly respecting Indian Affairs, And to acquaint him that the House have given directions to their Committee of Correspondence to prepare Instructions for their Agent, the better to enable him to oppose the Bill lately brought into Parliament, of which the Governor was pleased to send them a Copy—a Bill which if past into a Law appears to the House destructive of all their Liberties, and likely to be attended with the most dangerous Consequences to all the King's Subjects in America, That they have ordered a Sum of Money to be remitted to their Agent for defraying the Expences which shall arise on the Opposition directed to be given to this Bill; That as the Governor is in a few days Time to be at Newcastle, and it will be inconvenient to divers of the Members to stay long at this Season of the Year, and as the House are of opinion no great inconvenience can arise by their not giving a more particular Answer to the Governor's first Messuage, they hope he will not take it amiss that they chuse to defer the same untill the next sitting of Assembly.

Copy from the Minutes.

B. FRANKLIN, Cl. of Assem^{y}.

Two Members of Assembly waited upon the Governor to inform him that the House intended to adjourn to the seventh day of January next, if the Governor had no objection to that Time. His Honour said he had no Objection, but if any Thing should happen that might require their Attendance before that Time, he would call them together. The Speaker, with the whole House, waited on the Governor and presented the Bill entitled "An Act for the more speedy Trial of Capital Offences committed by any Indian or Indians in the Remote parts of the Province," to be past into a Law, which was accordingly by the Governor pass'd into a Law of this Province, and a Warrant was issued to affix the Great Seal thereto.

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On the 7th January, 1744.

MEMORANDUM.

Two Members of Assembly waited on the Governor to acquaint him that the House was met in pursuance of their Adjournment,

and if he had any Thing to lay before them they were ready to receive it. The Governor said He had nothing at present to lay before the House, but was ready to receive any Thing they might have to lay before him.

On the 10th January Two Members waited on the Governor and presented him with an Order of the House, signed by the Speaker, for £500, in part of His Support for the present Year, and acquainted His Honour that the Business now before the House not being in forwardness for present dispatch, the House intended to Adjourn to the 22d of April, if the Governor had no Objection to that Time. The Governor than'k the House for the Sum they had presented him with, and made no Objection to the proposed Time of Adjournment.

At a Council held at Philadelphia, 13th February, 1744.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

Ralph Assheton, William Till, } Esqrs.
Abraham Taylor, Robert Strettell, }

The Minutes of the preceeding Council were read and approved.

The Governor laid before the Board several Letters and Papers which he had received by Express from Governor Shirley, relating to an Expedition form'd by the Government of New England for the Reduction of Cape Breton, wherein "he earnestly desires that all may be done that is possible to engage this Province to do its full part in concert with them for carrying on this Expedition, and that we would either join them or soon follow them with a sufficient force both for the Land and Sea Service, and that we would likewise procure what private Ships of War we could possibly influence to go."

And on reading the several Letters and Papers, it was the unanimous Opinion of this Board that the Assembly should be called to meet as soon as possible, and that at their meeting the Dispatches should be forwith laid before them. Whereupon His Honour ordered Writs to be prepared to summon the Assembly to meet on the 25th Instant.

25th February, 1744.

MEMORANDUM.

Two Members of the Assembly waited on the Governor and acquainted him that the House was met and ready to receive any *Thing he might have to* lay before them, and desired a Copy of the

Writs by which they were Summon'd. The Governor said he would send them a Message in the Morning, together with the Writs by which they were called together.

At a Council held at Philadelphia the 4th March, 1744.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

Thomas Laurence,	Samuel Hasell,	Esqrs.
Ralph Assheton	William Till,	
Abraham Taylor,	Robert Strettell,	

The Minutes of the preceeding Council were read and approved.

The Governor laid before the Board his Message to the Assembly about the Expedition concerted by the Government of New England for the Reduction of Cape Breton, and the Assembly's Answer to it, which were read, and are as follows:

A Message from the Governor to the Assembly.

"Gentlemen:

"The Papers which I have order'd to be laid before You will inform you of my reason for calling you together before the Time to which you stood Adjourned. The Government of New England requests our Aid for the Reduction of Cape Breton. The Enterprize shews a fine publick Spirit in that People, and if it succeeds will be greatly for the Honour of His Majesty and the Interest of all his Colonies in North America. The Conquest of Louisburg, which is the only French Port of Consequence in this Part of the World, either for Strength or the Accommodation of large Ships, will banish all apprehensions for the future of Maritime Attempts upon the Colonies, or their Trade upon this Coast; but the Advantages to us and to our Mother Country are so many and so Evident that it will be losing Time to Enumerate them. Dispatch, you will see, is the life of the undertaking. Let me recommend that to You, Gentlemen, with regard to a Provision of Money. I promise you that the Disposition of it shall be diligently and faithfully made, and in such a manner as you shall advise may be most for the Service it is intended to promote.

"GEO. THOMAS."

A Message from the Assembly to the Governor.

"May it please the Governor:

"The Message we last received, with the Papers to which the Governor was pleased to refer us for the Occasion of our being

called together, we have taken into our Consideration with that Attention and Regard the Importance thereof justly requires.

"We are willing to suppose the Expedition intended by the Government of the Massachusetts against Cape Breton is, as the Governor is pleased to Express it, 'the Result of a fine Publick Spirit,' and we would chuse to avoid any Remarks thereon which can justly give them Umbrage, and yet we cannot but think if they expected the Assistance of the Neighboring Colonies, it is reasonble they should have consulted them, both as to the Enterprize and the manner in which it was to be executed, whereas the present Scheme is wholly their own, and if the other Colonies do not accede to it in the manner it is now projected, it is too late for Alterations, how advantageous soever they might prove. If the Design succeed, they will be entitled to but small part of the Honour; if it miscarry, they may indeed be time enough to share a principal part of the Disgrace.

"*Permit* us to add, that as the Assistance they expect from Great Britain or the King's Ships, seems to us uncertain, the Aids desired of the neighbouring Colonies, if granted, such as probably must come too late, the Attempt in it self extremely hazardous, the Danger which may arise from a diversity of Opinions between Officers equal in Authority, independant of each other, without any Commander-in-Chief to Control or Direct them, great and unavoidable. In a word, as there are no directions from the Crown concerning it, the Sentiments of the Ministry, and how such a Procedure will be relish'd by our Superiors, unknown, and as it may possibly interfere with or disconcert their Measures, had we not other reasons to determine us we should think it not prudent to unite in an Enterprize where the Expence must be great, perhaps much bloodshed, and the Event very uncertain."

The Governor Signified to the Board that as Sundry Magistrates in the several Counties were dead since issuing the last general Commissions of the Peace, it would be proper to renew them, and desired the Members to prepare Lists of such as they would judge Worthy to be put into Commission.

The Governor laid before the Board a Letter he had received from the Governor of Virginia, desiring his Assistance for settling a Peace between the Catawba's and the Indians of the six Nations, and enclosing their Answer to a Message sent them by the Governor of Virginia pursuant to the Treaty at Lancaster.

MEMORANDUM.

Two members of Assembly waited on the Governor to inform him that the House was inclined to Adjourn to the 22d of April, if he made no objection to it. His Honour said he had nothing to object *to the proposed* Time of Adjournment.

22d April, 17

MEMORANDUM.

Two Members of Assembly waited
him that the House was met pursuant
that if the Governor had any thing t
ready to receive it. The Governor re
thing proper for the Consideration of t
since their last meeting, that if during
kind should arise, he would communi
they had any business to lay before hi
Dispatch in his Power.

At a Council held at Philadelphia,

PRESENT:

The Honourable GEORGE THOM
ernor.

Thomas Laurence, Ab
William Till, Rob
Samuel Hasell,

The Minutes of the preceeding Coun

The Governor laid before the Board
ants of the back Part of this County
Lancaster County, renewing their form
which were read, and their Case being
mended to the Assembly, the same was
following Message:

A Message from the Governo

"Gentlemen:

"Several of the Inhabitants of the
and Lancaster Counties having renew'd
forth the Inconveniences they labour
great distance from the County Cour
County may be erected, agreeable to th
the Province formerly delivered, I repe
former Assembly, that if it shall be t
the Security, Ease, and good Order of
I shall be willing to grant the Prayer
vision will be best made by a Law for
of Judicature, I shall be also willing t
that or any other necessary purposes.

"April 25th, 1745."

The Governor laid before the Board a Deposition made by James Cunningham, Servant to Peter Chartier, Indian Trader at Alleghenny, and sworn to on the 18th Instant before James Armstrong, Esqr., one of the Justices of Lancaster County, whereby it appears that Peter Chartier, his Master, had accepted a Military Commission under the French King, and was going to Canada, which is likewise confirmed by a Letter wrote by Peter Chartier to Jacob Pyat, an other Indian Trader, a copy whereof was also laid before the Board, and the Governor having prepar'd a Message upon the affair of the Catawbas, and upon these Informations of the Desertion of Peter Chartier, the same was read and approv'd.

A Message from the Governor to the Assembly.

"Gentlemen:

"Since your last Meeting I received a Letter from the Governor of Virginia enclosing the Catawbae's Answer to a Message he had sent them pursuant to the Treaty at Lancaster, and desiring my Assistance for settling a Peace between them and the Indians of the Six Nations. I made no difficulty of Promising my best Offices to prevent, if possible, a further effusion of those unhappy people's Blood, and immediately engaged Conrad Weiser to undertake another Journey to Onantago so soon as the Spring should be far enough advanced to afford Grass for his Horses. As the Treachery of the Catawbae's in a former Instance has rendered them justly suspected by the Six Nations, I despair'd of perswading the latter to send Deputies to their Country, and, therefore, instructed Conrad Weiser to propose Williamsburg, or some other Town in Virginia, for the place of Holding the Treaty; but in case the Six Nations cannot be brought to agree to that to consent to its being at Philadelphia upon condition that they limit the Number of Deputies to five on each side, Notwithstanding Governor Gooch has promised to defray the Expence of this Negotiation, the Charge of an Express or two, or perhaps a few Strowds for a Present to the Indians, will probably fall upon this Province, and I doubt not but You will chearfully provide for it.

"I have just received Information that Peter Chartier, after disposing of his Effects in this Government, has gone over to the Enemy. His conduct for some years past has rendred him generally suspected; and it seems my Repremanding him for some very Exceptionable Parts of it is made use of amongst other Things to excuse his Infidelity. Had he been punished as he deserved for the Villanous report he spread two Years ago among the back Inhabitants in order to Spirit them up against such of the Six Nations as should happen to travel through those parts of the Country, he would not have been at this Time with the Enemy; but an Apprehension that the Shawnese (whose perfidious Blood partly Runs in *Chartier's Veins), might* resent upon our Traders any severitys to

him, restrained me from making use of such, and induced me to chuse the Gentle Method of Reproof which his Brutish Disposition has construed into an affront.

"*I am* likewise informed that he has persuaded a considerable number of the Shawnese to remove from their old Town to a greater distance upon another River, and it is not to be doubted but that a Person of his Savage Temper will do Us all the Mischief he can. If you think it worth while, I will send a Special Messenger to persuade those Shawnese to return to their former place of Abode, or I will take any other Method you shall advise; tho' it is my Opinion, the Advantages of the Trade Excepted, the further these People remove from our Borders, the better it will be for Us. I have wrote Letters from Time to Time to the Shawnese Chiefs, inviting them down to Philadelphia, and particularly a very kind one the last fall, which Peter Shaver tells me he deliver'd, but that I have of late received no Answer may be imputed to Chartier's influence over them, and it is too probable that he will make use of it to defeat any future Attempts we shall make to revive their friendship with us.

"GEO. THOMAS.

"April 25th, 1745."

The Governor laid before the Board a Complaint made by Shick Calamy to Conrad Weiser, that several great abuses had been Committed by the bringing Rum to Indian Towns, contrary to the Laws of this Province; whereupon, a Proclamation was order'd to be prepar'd and laid before the Council next Council day to prevent these Abuses for the future.

MEMORANDUM.

On the 26th Day of April, Two Members of Assembly waited on the Governor with a Written Message, in answer to the last of His Honour's two Messages of Yesterday, and at the same Time acquainted him that his other Message was under the Consideration of the House, and that they proposed to Adjourn to the 18th Augst next, if he had no Objection to that time. His Honour said he had no Objection.

A Message from the Assembly to the Governor.

"May it please the Governor—

"The good Offices the Governor hath been pleased to undertake, at the desire of the Governor of Virginia, for settling a Peace between the Indians of the Six Nations and the Catawbas, and for preventing, if Possible, a farther effusion of those unhappy People's blood, is very agreeable to Us, and will, We hope, be attended with the Success desired. And if, for the Accomplishing so good purposes, it become necessary that the Deputies of those Nations should meet at Philadelphia, and consequently occasion a Charge to this Province, and altho' it be reasonable that the Government of Vir-

ginia, according to their Promise, do defray the Expence of that negociation, yet as we look upon it at all Times prudent, and more particularly so in the present Critical Juncture of Public Affairs, to cultivate a good understanding with the Indians, and do not doubt of all the frugality requisite, whatever Charge shall necessarily arise for the Expresses and Presents the Governor is pleased to mention, we shall chearfully provide to pay.

"The Infidelity of Peter Chartiers in his going over to the Enemy, and his persuading a considerable Number of the Shawnese to remove from their old Town to a greater Distance on another River, gives us some Concern, as it looks like an Attempt to destroy the Friendship which hitherto Subsisted between those Indians and this Government. It is very probable, from the same treacherous Principles, Chartier may be induced to do us all the Mischief in his Power amongst those Indians; and if a Special Messenger was sent to them it may be attended with some Danger; and considering Chartier's Influence perhaps not be sufficient to induce them to return to the Place of their former Abode, were such Return allow'd to be of Advantage to this Province. We must, however, refer the conducting this Affair to the Governor's Prudence, upon such farther Advices as he may hereafter receive, returning him our hearty Thanks for the care he hath hitherto taken in these Affairs, and making no Question but that as occasion shall require every prudent Measure will be taken to Defeat Chartier's Perfidious Designs, and preserve, if possible, the Shawonese steady in their friendship with this Government."

At a Council held at Philadelphia, 7th May, 1745.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governour.

Robert Strettel, Esqr.

The Minutes of the preceeding Council were read and approv'd.

The following Proclamation being prepared by the Secretary, according to the directions of the last Council, the Governor thought it necessary, as the Indian Traders were in Town and Conrad Weiser was going to Onantago, that the same should be publish'd immediately, and therefore sign'd it, together with a Warrant to affix the Great Seal to it.

"By the Honourable GEORGE THOMAS, Esqr., Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of New Castle, Kent, and Sussex, on Delaware.

"A PROCLAMATION.

"*Whereas*, by several Acts of Assembly of this Province, the sell-

ing of Rum to the Indians is Prohibited under severe Penalties, and particularly by an Act of the 12th of King William, it is enacted as follows: 'That all Rum, Brandy, or other Strong Liquors that shall be carried or offer'd to Sale or Disposal to or at any of the Indian Towns or Habitations within the Bounds of this Province, shall be forfeit, and it is hereby declared to be forfeit, One-Third to the Governor and Two-Thirds to such Person or Persons as shall Seize the same; and all Persons (as well Indians as others) are hereby impowered to seize and secure all such Rum, Brandy, or other strong Spirits so found at any Indian Towns or Settlements aforesaid.' And by another Act of the 8th Year of the late King George the first, it is among other things enacted, 'That no Person whatsoever, otherwise than is therein declared, shall Sell, Barter, or Give to any Indian or Indians, or to any other Person for their Use, nor by any Means, directly or indirectly, furnish or cause to be furnished any Indian or Indians with any Rum, Wine, or other strong Liquors, mixed or unmixed, under the Penalty of Twenty Pounds for each Offence; One Half to the Governor for Support of Government, and the other Half to the Informer, or such Person or Persons as will sue for the same.' *And further*, 'That in case any Rum or other Spirits, above the Quantity of one Gallon, be carried among the Indians at their towns, or beyond the Christian Inhabitants, the Person carrying the same, or he in whose Possession the same shall be found, shall forfeit and pay the sum of Twenty pounds to the uses aforesaid." *And further*, "That any Person or Persons whatsoever, after the first Day of August then next following, under the Penalty of Twenty pounds for the Uses aforesaid, shall trade or traffick with any Indian for any Commodity whatsoever, but at their own dwelling Houses & Places of Residence with their ffamilys, within some settled Township of this Province, without being first Recommended to the Governor for his Licence by the Justices of the County Courts of Quarter Sessions where he resides, or the next Quarter Sessions within this Province to the Place of such Residence; and that no Person shall be so licenced without giving Bond in the said Quarter Sessions, with one or more Substantial Freeholders of the same County to be bound with them in the Sum of One hundred Pounds, conditioned that he will duly Observe the Laws of this Province for regulating the Trade with the Indians, which Recommendations and Licences shall be renew'd Annually in the manner before directed; and shall further, by his Oath or Affirmation, Oblige himself that he will not directly or indirectly sell or dispose of any Rum or other Spirits, mixed or unmixed, to any Indian.'

"*And whereas* frequent Complaints have been made from Time to Time by the Indians, and of late earnestly renewed, that divers gross irregularities and abuses have been committed in the Indian Countrys, and that many of their People have been cheated and enflamed to such a degree by means of strong Liquors being brought

and sold amongst them contrary to the said Laws, as to endanger their own Lives and the Lives of others, I have, therefore, by and with the advice of the Council, thought fit for the future Prevention of such disorders, as far as in me lies, to publish this Proclamation, strictly charging and commanding That no person or persons do hereafter presume to trade with the Indians without first obtaining a License from the Governor for the Time being, according to the directions given in the said Acts of Assembly; and I do hereby also strictly enjoin the Magistrates of the several Counties within this Province, and especially those of the County of Lancaster, where these Abuses are mostly carried on, to be very vigilant and carefull in the discharge of the Duties required of them by the said Acts of Assembly, and in Particular to demand such Licence of Persons Travelling with Goods to Trade with the Indians, and to make or cause diligent search to be made for any Quantity of Rum or other strong Liquors exceeding the Quantity allowed by Law, which they shall have reason to suspect is carrying to the Indians. Moreover, in as much as by the said Act of Assembly of the 12th of King William, all Rum, Brandy, and other Spirits carried into any of the Indian Towns, is declared to be forfeit, One Third to the Governor and the other Two-thirds to the persons seizing the same, I do hereby give full Power and Authority to any Indian or Indians to whom Rum or other Strong Liquors shall hereafter be offered for Sale contrary to the said Laws, to stave and break to pieces the Cask or Vessel in which such Rum or other strong Liquor is contained, without being accountable to me for my Third part.

"Given under my Hand and the Great Seal of the Province of Pennsylvania, at Philadelphia, this seventh day of May, in the Eighteenth Year of the Reign of our Sovereign Lord, George II. King of Great Britain, France, and Ireland, &c. and in the Year of Our Lord One thousand seven hundred and forty-five.

"GEORGE THOMAS.

"By command.

"Richard Peters.

"GOD SAVE THE KING."

At a Council held at Philadelphia, the 27th May, 1745.

PRESENT:

The Honourable GEORGE THOMAS, Esqr., Lieutenant Governor.

Thomas Laurence, William Till, *Robert Strettell*, Samuel Hasell, Abraham Taylor. } Esqrs.

The Minutes of the preceeding Council were read and approved.

The Governor laid before the Board a Letter he had received on Saturday evening by Express from Governor Shirley, dated at Boston the Eighteenth Instant, and another from Commodore Warren, dated before Louisburg the ————, in both which there is an Account of the State of the Forces there & a request that he would use his good Offices with the other two Branches of the Legislature to send a number of Men & Provisions to their Assistance, and his Honour inform'd the Council that in order to gain all the time possible he had imediately on Receipt of these Letters issued Writts to call the Assembly to meet on Monday the 3d June, & had dispatch'd them to the respective Sheriffs.

The Board resum'd the Consideration of the new Commissions of the Peace, & agreed to the following List of Magistrates For the County of Philadelphia, Viz^{t}: Thomas Laurence, Samuel Hasell, Ralph Assheton, Abraham Taylor, Robert Strettell, the Mayor of the City of Philadelphia for the time being, the Recorder of the City of Philad^{a} for the time being, William Allen, Richard Harrison, George Boon, George Fitzwater, Jonathan Robinson, Owen Evan, Benjamin Shoemaker, Joshua Maddox, Septimus Robinson, Griffith Lewellin, Derrick Kyser, Edward Shippin, Joseph Turner, Charles Willing, Thomas Venables, Nicholas Ashton, Thomas Fletcher, Samuel Morris of White Marsh, Thomas York, James Deleplain, Francis Parvin, John Potts, & Anthony Lee, Esquires. And the Secretary was ordered to prepare a Commission with their Names in it in the order they are here Placed.

—

On the 3d June.

MEMORANDUM.

Four Members of the Assembly waited on the Governor to inform him the House was met pursuant to his Summons, and ready to receive any matter he might have to lay before them. The Governor said he wou'd send a Message to the House in the morning, together with some Letters he had received from Governor Shirley & Commodore Warren, & desir'd the Members would meet pretty early.

—

On 6th June.

MEMORANDUM.

Two Members of Assembly inform'd the Governor from the House that they were inclin'd to adjourn to the time of their former adjournment, To which his Honour made no objection.

At a Council held at Philadelphia the 4th July, 1745.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieutenant Governor.

Samuel Hasell, Robert Strettell, } Esqrs.
Abraham Taylor, }

The Minutes of the preceeding Council were read and approv'd.

The Governor laid before the Board his last Message to the Assembly, together with their Answer, which are as follows:

A Message from the Governor to the Assembly.

"Gentlemen:

"The Secretary is order'd to lay before You two Letters I received on the 25th of the last Month from Governor Shirley and Commodore Warren by an Express from Boston. The Importance of these Dispatches laid me under an indispensible Obligation to call you together again before the time to which you stood adjourned, and now you are met I cannot doubt but your Resolutions will be such as may be for the Advancement of His Majesty's Service and the common Interest of the Northern Colonies. The Expedition against Louisbourgh you will observe is carried on with his Majesty's Approbation, is supported by Seven of his Ships of War, and has been hitherto attended with such Success as renders it highly probable that the King's Forces will become Masters of the Place if they shall be reinforced in time by the rest of the Colonies.

"As the Measures to be taken by the Government of New England will in some degree depend upon your Resolutions, I hope you will enable me to transmit them by the next Post.

"GEO. THOMAS.

"June 4th, 1745."

A Message from the Assembly to the Governor.

"May it please the Governor:

"We have maturely consider'd the Governor's Message of the 4th Instant, together with the Contents of the Letters which the Secretary was order'd to lay before Us, And our Result is, that as the Enterprize against Cape Breton is a private Undertaking of the Government of New England, in which they did not think fit to consult the Neighbouring Colonies, and wherein, if the Design succeeds, they themselves will receive the principal Benefit, and therefore they have no right to involve us in the Expence.

"That the Expedition is since carried on 'with His Majesty's Approbation,' we do not doubt, but how far it was intended this Government should be burdened with the Expence arising from it, will best appear when the Letter from the Duke of Newcastle to

the Gov^r^ mentioned by Commodore Warren, shall be received, until then we hope we shall be excused from coming to any further Resolutions in an Affair which for other Reasons than we have mentioned the Governor must be sensible affords us much Difficulty.

"His Honour likewise laid before the Board a Letter from Governor Shirley, dated the 24th June, desiring the Governor to lay an Embargo upon all the Powder in this Port and to secure it for some time for the Service of the present Expedition against Cape Breton, and Capt^n^ Hill, the Keeper of the Powder House, having been Summon'd to attend the Council, was commanded to report the quantity of Powder in his Custody, and not to deliver out any till the Governor's further Order, and the Secretary received his Honour's directions to prepare a Writ for an Embargo to be served on Captain Hill, which was accordingly done, and is as follows:

"'To Captain William Hill, Keeper of the Powder House.

"'Whereas, his Excellency William Shirley, Esq^r^ Governor and Commander-in-Chief of His Majesty's Colony of the Massachusets Bay, has, by his Letter bearing date at Boston the 24th June last, signified to me that the Siege of Louisbourg had quite exhausted all their Magazines, and desires that as it might be uncertain what further demand of Powder there might be for His Majestie's Service at that Place, I wou'd lay an Embargo on all the Powder here & secure it for some time for the Service of the present Expedition against Cape Breton.

"'I have therefore thought fit by and with the advice of the Council to lay such Embargo, and you are hereby ordered and commanded not to deliver any Powder nor suffer any to be delivered out of the Powder House to any Person whatsoever within the space of ten days, or till my further Order. Hereof fail not at your Peril.

"'Given under my Hand and Seal at Arms, at Philad^a^ this fifth day of July, 1745.

"'GEO. THOMAS.'"

At a Council held at Philada., July 11th, 1745.

PRESENT:

The Honble GEORGE THOMAS, Esqr., Lieutenant Governor.

Abraham Taylor, } Esqrs.
Robert Strethil, }

The Minutes of the preceeding Council were read and approv'd.

The Governor laid before the Board a Letter which he had received by Express from Governor Shirley, dated at Boston the 3d Instant, giving the News of the Reduction and Surrender of Louisbourg to the obedience of His Majesty, and desiring the assistance

of this Colony for furnishing Men, Amunition, & Provisions for garrisoning and defending the place till His Majesty should order Troops from Great Britain, or otherwise signify his Pleasure in this affair; and Writts having been prepared for calling the Assembly to meet on the 22d, the same were approv'd and the Secretary order'd to dispatch them to the Sheriff's of the respective Counties.

At a Council held at Philadelphia the 22d July, 1745.

PRESENT:

The Honoble GEORGE THOMAS, Esq., Lieutenant Governor.

Samuel Hasell, Abraham Taylor, } Esqrs.
Robert Strethil, }

The Minutes of the preceeding Council were read and approv'd.

The Governor laid before the Council a Letter which he had received by Express from Commodore Warren, dated from on board the Superb, in Louisbourg Harbour, the 29th June, informing that they were in quiet possession of the Town and Garrison of Louisbourg and the Territories thereunto belonging, And applying for this Province's Quota of Men arm'd and victuall'd for at least seven or eight Months, to remain there for the Support of the Garrison till His Majestie's Pleasure should be known; till when Commodore Warren proposed to continue there. And likewise desiring the Governor to Advertise all His Majestie's Subjects that are willing to come to that port to trade with the Garrison and Inhabitants, that they shou'd have free liberty without any Duty or Imposition whatsoever, and that none of them shou'd be molested or impressed into His Majesty's Ships or Service, and likewise inclosing a Copy of the Signification of His Majesty's Pleasure by his Grace the Duke of Newcastle to the several Governors of the British Colonies in North America, which were read by the Secretary, and then the Governor laid before the Board the Draught of a Message his Honor had prepar'd to send to the Assembly on the Subject of these Dispatches, which was approv'd, and is as follows:

A Message from the Governor to the Assembly.

"Gentlemen:

"My duty to his Majesty, my Regard for the Interests of the Colonies, and my concern for the Reputation of Pennsylvania, have all conspired to my calling You together at this time; and I do assure myself that you will joyfully embrace the opportunity of giving a publick and substantial proof of the like Zeal for the King's Service and the common good of your fellow Subject. As it has pleased the Almighty to Grant a Blessing on His Majesty's Arms,

and after an uncommon Course of Events to Crown the glorious Enterprize of the Government of New England with Success, I conclude that Arguments to induce you to do your parts for preserving a Conquest of such Importance are altogether unnecessary; and that on this pressing Occasion your Resolutions will be so speedy, as well as effectual, that I may be enabled to give a satisfactory Answer by the next Post to the Letter which I had the Pleasure to receive by Express from Governor Shirley, and which I have now order'd to be laid before you, together with one since come to hand from Commodore Warren, enclosing a Copy of the Signification of His Majesty's Pleasure, by his Grace the Duke of Newcastle, to the several Governors of the British Colonies in North America.

"GEO. THOMAS.

"July 23d, 1745."

A Copy of His Majesty's Order signified by the Duke of Newcastle to the respective Governors of the Colonies in North America:

"Whitehall, Jan^{ry} 3, 1744–5.

"Sir:

"His Majesty having thought it necessary for the Security of the Colonies of North America, and particularly of the Province of Nova Scotia (which has been already invaded by the French, & upon which there is great Reason to apprehend that they will early in the Spring renew their Attempts by the attack of Annapolis Royal), to employ such a strength of Ships of War in those Seas under the Command of Commodore Warren as may be sufficient to protect the said Province and the other neighboring Colonies in North America, and the Trade and Fishery of His Majesty's Subjects in those Parts; and may also, as occasion may offer, attack and distress the Enemy in their Settlements, and annoy their Fishery and Commerce, I have His Majesty's Commands to signifie to you his Pleasurse that if Mr. Warren shou'd apply to you for assistance, either of Men, Provisions, or Shipping, to enable him to proceed either to the Relief and Succor of Annapolis Royal, or of any other of his Majesty's Forts and Settlements, or for making any attempts upon the Enemy, you should in all such cases be aiding and ass'ting to him in the most effectual manner, and according, as upon Consultation together, shall be judged proper for carrying on His Majesty's Service; and you will be ready to concert and advise with Mr. Warren upon all occasions that may arise which shall have relation to the Services on which he is employ'd; and particularly you will procure and communicate to him the best Intelligence you shall be able to obtain of the State and Condition of the Enemy's Settlements and of the Ships in their Harbours, that he may be enabled to judge whether it may be practicable and advisable to make an Attempt upon any of their Ports.

"HOLLIS NEWCASTLE."

Some Delaware Indians from Shamokin being come to Town, the Governor sent for them, and having bid them welcome he desir'd to know their business. They said they came from Alomipas their Chief, and had several things to say from him to the Governor, but cou'd not be ready till to-morrow; whereupon the Governor appointed 10 O'Clock in the morning to hear what they had to say.

The 22d July, P. M.

MEMORANDUM.

Two Members waited on the Governor to inform him that the House was met in pursuance of his Summons, and ready to receive any thing he might have to lay before them, and desir'd a Copy of the Writts by which the House was Summon'd. The Governor said he wou'd send a Message to the House in the morning, together with the Writts.

At a Council held at Philadelphia the 23d July, 1745.

PRESENT:

The Honoble GEORGE THOMAS, Esq^r^ Lieutenant Governor.

Samuel Hasell, Abraham Taylor, } Esqrs.
Robert Strethil, }

The Indians from Shamokin.

Nicholas Scull, Interpreter.

The Minutes of the preceeding Council were read and approved.

One of the Delaware Chiefs made a Speech, importing that the Delaware Indians had been old Friends and Allies; that they had always taken care to preserve the Road clear between their Brethren and them; that as their Brethren were engaged in War, they came to visit them and to enquire what News; and having heard that they had taken some considerable Place from the French, they were heartily rejoic'd at their good fortune; that tho' they were poor, yet they had brought their Brethren such a Present as they cou'd affor'd, and being in want of Powder and Lead and other necessaries, their King Olomipas, in confidence of finding the same affectionate concern for them as they had always experienced, had sent them to their Brethren to apply for a fresh Supply.

They presented five Bundles of Skins, amounting in value, by Mr. Shippen's Calculation, to £20.

The Governor, in Answer, told the Indians he was glad to see them, he was sensible they were old Friends and Allies; that as the Road between them and their Brethren was at this time free *from all obstructions,* he did not doubt but they would be careful

to preserve it so; that Providence had so far given Success to the Arms of the English that they had taken from their Enemy a very considerable and strong Fortification built by the French in the Bay of St. Lawrence, which commanded the Navigation to Canada in such a manner cou'd not get there without the leave of the English, and that the French not being able for the future to Supply the Indians with Goods, they wou'd be oblig'd to have recourse to the English. He thank'd them for their Present, and in return wou'd order them some Goods, and when they were ready he would send for them.

The Council took into Consideration the value of the Present to be made to the Indians, and were of Opinion that it should be treble the value of the Goods; and that the Secretary shou'd be charged by his Honour with a Verbal Message to the Assembly to tell the House what the Indians had deliver'd in Council, and the value of their Present, together with the Opinion of the Governor & Council, that they shou'd receive a Present in return treble the value of their Skins.

MEMORANDUM.

The Governor having rec'd a Letter from Mr. Conrad Weiser, relating to his Negotiations at Onandago with the Council of the Six Nations he sent it by the Secretary to the Assembly, with a verbal Message to inform the House that some Delaware Indians were in Town, and had made a present to the Government of Skins to the value of about £20, and that as they had signified that they were in want of Necessaries, and had applyed to this Government for a Supply of Goods, it was his opinion, as well as the Council's, that a Present of Goods shou'd be made of treble the value of their Skins.

At a Council held at Philadelphia the 27th July, 1745.

PRESENT:

The Honoble GEORGE THOMAS, Esqr., Lieutenant Governor.

Samuel Hasell, Robert Strethil, Esqrs.

The Minutes of the preceeding Council were read and approv'd.

The Governor laid before the Council a Copy of a minute of Assembly, deliver'd to him the 24 Inst. by two Members, together with a Message from the House, which were read, and are as follows:

"In Assembly, the 24th of the 5th Month, 1745.

"The House resuming the Consideration of the King's Commands, signified by the Duke of Newcastle's Letters to the Gover-

nor of the Northern Colonies, and also the other Dispatches, Letters, and Papers laid before them by Order of the Governor, have

"Resolved, that the Sum of Four thousand Pounds be and hereby is given to the King's Use, to be paid into the hands of John Pole and John Mifflin, of the City of Philadelphia, Merchants—One-half part thereof by the Trustees of the General Loan Office, the other half by the Treasurer, under the Directions of the Honoble George Thomas, Esqr., our Governor, to be laid out by them, the said John Pole and John Mifflin, in the Purchase of Bread, Beaf, Pork, Flour, Wheat, or other Grain, or any of them, within this Province, and to be Shipped from hence for the King's Service, as the Governor shall think most fit.

"Copy from the Minutes of Assem^y^

"B. FRANKLIN, Clerk."

A Message from the Assembly to the Governor.

"May it please the Governor:

"We think it our indispensable Duty on every Occasion to shew our Loyalty and hearty affection towards our King and the present Government, under whom we not only enjoy our Civil and Religious Liberties in their full Extent, but often meet with peculiar Lenity and Indulgence.

"With these Sentiments we have taken into Consideration the King's Commands, signified by the Duke of Newcastle's circular Letters to the Governors of the Northern Colonies, and also the other Dispatches, Letters, and Papers, which the Governor was pleased to direct should be laid before us; and altho' the peaceable Principles professed by divers Members of the present Assembly do not permit them to join in raising of Men or providing Arms and Ammunition, yet we have ever held it our Duty to render Tribute to Cæsar; and have, therefore, on the present Occasion, come to the Resolution herewith sent, which we hope will give 'Public and substantial Proof of our Zeal for the King's Service, and the common Good of our Fellow-Subjects,' as well as evidence our ready Obedience to his Royal Commands, so far as we can consistently with our Religious Principles."

The Governor inform'd the Board that he told the Two Members who delivered the foregoing Resolve and Message that since the House had particularized what they would have the Money laid out in, he looked upon their putting the Shipping of it under his Directions to be no Compliment to him. The two Members likewise inform'd the Governor of the Intention of the House to adjourn to the time of their former adjournment. To which the Governor had no objection.

The *Provincial Treasurer* having purchas'd Indian Goods to the *Amount of £50, in pursuance of a Resolve of the House on the*

Governor's Message of the 23d July, and having deliver'd a List to the Governor, his Honour sent for the Indians and order'd the Interpreter to read the particulars in the List distinctly to them, and to tell them that the Goods were in the State House ready to be delivered to them. The Indians appear'd well pleas'd, return'd their thanks and took their Leave.

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The 19th August, P. M.

MEMORANDUM.

Two Members of Assembly waited on the Governor and acquainted him that the House was met in pursuance of their adjournment, and were ready to receive any thing he might have to lay before them. To which the Governor said he had nothing to lay before the House, but if anything occurr'd he wou'd send a Message to them.

—

The 23d August, P. M.

MEMORANDUM.

Two Members waited on the Governor and presented him with an Ordér for £500, the remainder of his Support, and acquainted him that the House was dispos'd to adjourn this Day to the 30th Sept^{r} if he had no objection. The Governor made no objection to the adjournment of the House, but was pleas'd to say he expected they wou'd at this time have made some Provision for the payment of his Arrearages.

At a Council held at Philada. the 27th August, 1745.

PRESENT:

The Honoble GEORGE THOMAS, Esqr., Lieutenant Governor.

Thomas Lawrence, Abraham Taylor, } Esqrs.
Robert Strethill,

The Minutes of the preceeding Council were read and approv'd.

The Gov^{r} laid before the Board a Letter, with some Minutes of the Commissioners of Indian Affairs at Albany, which he had received the Day before by Express from the Governor of New York, informing him of some Transactions between the French Governor of Canada and the United Nations of Indians in a late Treaty at Montreal, and inviting him to send Commissioners to Albany, where he proposed to meet the Indians on the 4th of next Month, with the proper means for retaining them in their fidelity to his Majesty and their Engagements with the several British Colonies. Which

Letter and Minutes being read, and it appearing that there is too much reason to apprehend a defection of the Six Nations through the Intrigues and Artifices of the Enemy, if not timely prevented by the British Colonies, The Board unanimously advised That the Governor do forthwith issue his Writts for the Meeting of the Assembly on the 4th of next Month.

—

4th Sept^{r} P. M.

MEMORANDUM.

Two Members of Assembly waited on the Governor and acquainted him that the House was met pursuant to his Summons, and were ready to receive any Business he might have to lay before them. To which the Governor answer'd that he had a Message ready and some Papers of Consequence to lay before them, which should be done as soon as the House shou'd meet next morning.

—

Sept^{r} 5th.

MEMORANDUM.

The Speaker of the Assembly waited upon the Governor from the House and desir'd to Know whether if they should come to a resolution to make a Present to the Indians at their coming down to Albany, he will be pleased to manage the Treaty there in behalf of this Government, which they could not but very much wish, as they are sensible it will be greatly for the Publick Service. To which the Gov^{r} answer'd, that as he is thoroughly disposed to do every thing that may be for the Interest and Security of the People under his Government, it is a very real concern to him that his Health will not permit him to undertake so long a Journey at this Time, but that he would appoint such Commissioners for the purpose as he did not doubt would be very agreeable to the House, and then nominated Thomas Laurence, Esqr., of the Council, the Speaker himself, and Isaac Norris, Esqr., of the Assembly.

—

Sept. 7th.

MEMORANDUM.

Two Members of Assembly waited on the Governor to acquaint him that the House was dispos'd to adjourn to the time of their former adjournment, to which the Governor made no objection.

At a Council held at Philada. the 17th Sept^r 1745.

PRESENT:

The Honoble GEORGE THOMAS, Esqr., Lieutenant Governor.

Samuel Hasell, Thomas Laurence, } Esqrs.
Abraham Taylor, Robert Strethill, }

The Minutes of the preceeding Council were read and approv'd.

The Governor laid before the Board his last Message to the Assembly and their Answer, which are as follows, viz^t:

A Message from the Governor to the Assembly.

"Gentlemen:

"The Occasion of my calling you together so soon after your adjournment is a Letter I received last week by Express from Governor Clinton, informing me of some late Transactions between the French Governor of Canada and the united Nations of Indians in their Treaty at Monreal, and inviting this Government to send Commissioners to Albany (where he proposes to meet the Indians on the 4th of the next month) furnished with proper means for retaining them in their Fidelity to his Majesty and their Engagements with the respective British Colonies.

"When I reflect on the long approved Faith of these People, their grateful Acknowledgments for the Protection from time to time received from the English against the Attempts made by the Enemy to enslave them, and on the solemn Assurances given to me at the late Treaty of Lancaster to observe a strict Neutrality in the present War, and to maintain inviolably their Friendship with the British Colonies, I am not easy to entertain Suspicions to their Prejudice, but upon recollecting what passed in a private Conversation between one of the most politick of their Sachims and our Interpreter when he was last at Onontago, I am not without Apprehensions that the Success of his Majesty's Arms at Cape Breton may induce them to throw themselves into the French Scale in order to preserve the Ballance, For that Indian Sage said, 'That however meanly they may be thought of, they were not unacquainted with their own true Interests, and therefore would not join with either Nation in the War unless compelled to it for their own preservation; That hitherto, from their Situation and Alliances, they had been courted by both, but should either prevail so far as to drive the other out of the Country they should be no longer considered, Presents would be no longer made to them, and in the End they should be obliged to submit to such Laws as the Conquerors should think fit to impose on them.' The French Governor has artfully suggested the same things, and their acceptance of a Belt of Wampum from him with the Figure of a Hatchet wrought in it, tho' it

be but to deliberate upon it, is a mark of some Degree of Approbation, and by no means a good omen to Us. There is but one probable Method of Securing them in our Interest, and that is to persuade them by out bidding the Enemy, to an Open Declaration for us; Money, notwithstanding their Reasoning, having always been the prevailing Argument with them. Should the present opportunity be lost, it is much to be feared that the Intrigues of the French in the ensuing Winter will seduce and entirely alienate them from Us. But supposing the best of them that their Inclinations are with us, and that they are still resolv'd to observe a Neutrality, if their Allies break it and take up the Hatchet against us, they must either join them or fly to us for Protection, which can no way be so effectually secured to them as by an Union of all the British Northern Colonies for that purpose. This is a matter which very nearly concerns the Quiet and Safety of the people of Pensylvania, and as such I recommend it to your most serious Consideration, and have ordered the Letter referred to, with some other Papers, to be laid before you for your more particullar Information.

"The Secretary will likewise deliver to you another Letter, received since the writs were issu'd from the Governor of Massachusetts, renewing their Application for an aid of Men, Arms, and Ammunition as absolutely necessary for the Defence of Louisbourg against the Attempts which they apprehend will be made by the Enemy to recover it. The Mortification must be very great to every Lover of his Country should so noble an Acquisition be wrested out of our hands for want of a small Share of that Spirit in the other Colonies to preserve it which inspired the People of New England to undertake and compleat the Conquest of it.

"GEO. THOMAS.

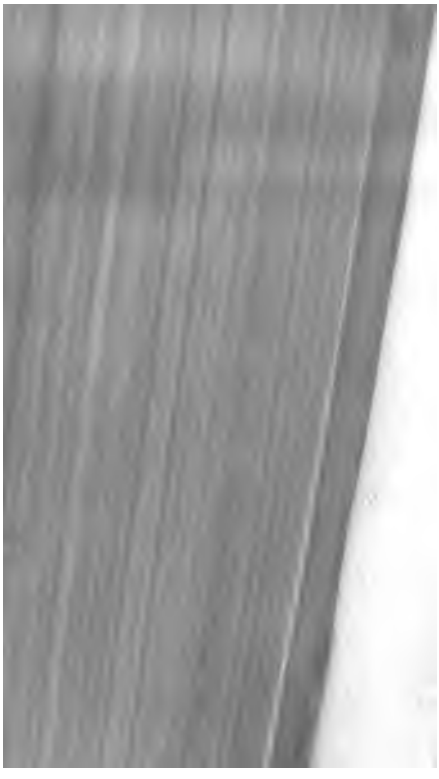
"Sept^{r} 5th, 1745."

A Message from the Assembly to the Governor.

"May it please the Governor:

"Since 'some late Transactions between the French Governor of Canada and the United Nations of Indians, in their Treaty at Monreal,' have given umbrage to our Neighbouring Government, as well as cause to apprehend the Dangers which may arise from thence, we esteem our being called together on so important an Occasion as a fresh Instance of the Governor's Care of the Inhabitants of this Province, who are nearly concerned in the Consequences, & may, therefore, justly expect from Us 'the serious Consideration' recommended to us.

"'The long approved Faith of these People, their grateful acknowledgments for the Protection from time to time received from the English against the Attempts made by the Enemy to enslave them, the solemn Assurences lately given the Governor to observe a strict Neutrality in the present War, and to maintain inviolably their



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Isaac Norris, Esquires, And to every of them, Greeting: We being informed that divers Attempts have lately been made and practices used on the Indians of the Six United Nations by the French Gov^r of Canada to withdraw them from their fidelity to us, And to disanull the Engagements and destroy the Amity subsisting between them and our Loving Subjects, Inhabitants of our Northern Colonies on the Continent of America, for preventing whereof, and for defeating the evil and pernicious designs aforesaid, it is become necessary that a Treaty be held by our Governors of our Colonies aforesaid, or their Delegates, with the United Nations aforesaid; Therefore, Know Ye that Reposing special Trust and Confidence in Your Loyalty, Abilitys, and Circumspection, We have thought fit to Nominate, Constitute, and Appoint You the said Thomas Laurence, John Kinsey, and Issaac Norris, And every of you our Commissioners on behalf of our Governor of our Province of Pennsylvania. By these Presents Authorizing and Impowering You and each of You to Negotiate & Treat with the Indians of the United Nations aforesaid, or with their or any or every of their Chiefs or Delegates, and with them to renew, ratify, and confirm the League of Amity subsisting between our said Province of Pennsylvania and the united Nations of Indians aforesaid, And in conjunction with our Governor of our other Colonys aforesaid, or with any of them, or their or any of their Delegates, or Seperately to Do, Act, Transact, and finally to conclude and agree with the Indians aforesaid all and every other matter and thing whatsoever necessary, touching, or in any wise concerning the premisses as fully and amply to all intents, constructions, and purposes, as our Governor of our Province of Pennsylvania aforesaid might or could do being personally present, hereby Ratifying, Confirming, and holding for firm and effectual whatsoever you the said Thomas Laurence, John Kinsey, and Isaac Norris, or any of you, shall lawfully do in and about concerning the Premisses. *In Testimony* whereof we have caused the Great Seal of our said Province to be hereto affixed. *Witness* the Honoble George Thomas, Esqr., with our Royal Approbation Lieutenant Governor under the Honoble John Penn, Thomas Penn, and Richard Penn, Esqrs., true and absolute Proprietaries of our Province of Pennsylvania aforesaid, and the Counties of Newcastle, Kent, and Sussex, upon Delaware, at Philadelphia the 25th Day of September, in the Nineteenth Year of Our Reign.

[L. S.] [P.] "GEO. THOMAS."

Instructions to the Honoble Thomas Laurence, Esqr., a Member of the Council, The Honoble John Kinsey, Esqr., and Isaac Norris Esqr., a Member of the House of Representatives of the Province of Pennsylvania:

[L. S.] [P.]

As You will herewith receive a Commission Tested by me un-

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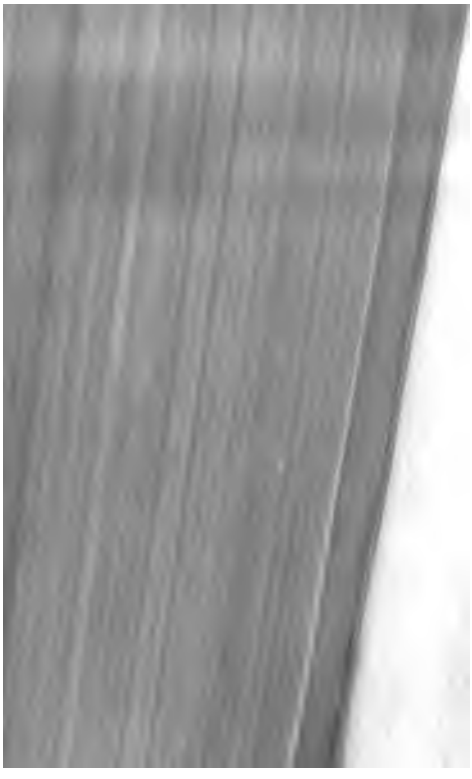
as effectually as the circumstances of these People will admit of, You are to renew the offer of Mediation in my behalf at the time and place before mentioned.

"You are after these Heads are gone through to expostulate with them upon their late Conduct at Monreal (if You find the Commissioners of Albany have made a true Representation of it), and particularly upon their receiving a Belt of Wampum with a Hatchet wrought in it from the Governor of Canada. You are to represent to them the Antient Enmity of the French to their Nations, their Perfidy upon all Occasions, their late unjust Declaration of War against the King of Great Britian and his Subjects, and their Inability to protect them or to Supply them with such Necessarys as they Yearly want for their Subsistence. And you are, on the other hand, to remind them of the long approved Friendship of the English; of the Assistance from time to time given them for their Defence against the Attempts of the French to destroy or inslave them; of the Treatys lately renewed with them by the British Colonies, & the valuable Presents made to them. And You are at the same time to perswade them to a continuance of that Friendship which has so long subsisted, and if You find them cordially disposed to it, and can have any dependence upon their Sincerity, You are to Present them with the Two hundred & fifty Pounds voted by the Assembly in such Goods as You shall think most acceptable to them. You are to keep a Journal of Your Proceedings in the matters recommended to You, and at Your return to deliver it to me, that I may lay it before the Assembly at their next Meeting. And in case any thing should Occur to You at the Place of Treaty which I may have omitted, or it is not possible for me to Instruct You Upon at this distance, I trust from your own Prudence and Judgements that You will Supply my Deficiencys in such a manner as may be most for His Majesty's Service, the Interest of the Northern Colonies in general, and of this in particular. You would be farther Instructed were I at liberty to Act up to my own Judgement to join with the Government of New York in urging the United Nations to an open Declaration against the French, & in promising them in that case an Aid of Men, Arms, & Ammunition for their Defence; but as the Assembly have not been explicit with me on this head, and it is a measure that may not prove agreable to them, I shall not venture upon it, since it would be betraying the Indians should they refuse to make it good.

"Given under my Hand and the Lesser Seal of the Province of Pennsylvania, this Twenty-fifth Day of September, 1745.

"GEO. THOMAS."

The Governor laid before the Board Conrad Weiser's Journal & Report of his Transactions with the Six Nations, and order'd the Secretary to make an Extract of what is the most material, & enter it in the Council Book.



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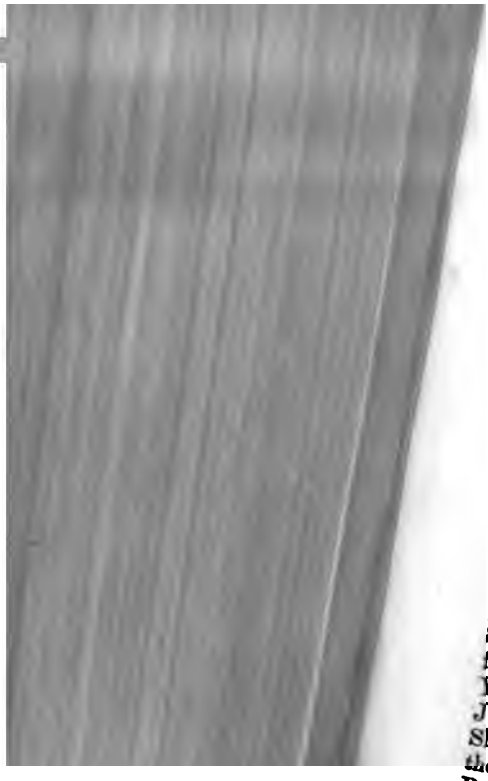
continued: 'Brethren, according to the promise Your Brother Assaraqua made to you at the late Treaty held at Lancaster between You and your Brethren Tocarryhoagon, Assaraquoa, and Onas, he sent a Message to the Catawbas to Invite them to a Treaty with you the Six United Nations of Indians, and to advise them to send Deputies to you the said Nations. The Catawbas received the Message very kindly, and thanked your Brother Assaraquoa for his Care and Assistance, and made answer in the following manner, (here I took the Catawbas' Letter to the Governor of Virginia and explained it to the Council, but named Williamsburg as the place where the Catawbas desired to Treat with the Six Nations, instead of their own Towns or Country, for that would have caused Suspicion): After your Brother Assaraquoa received this Letter, he wrote a Letter to your Brother Onas and Inclosed the Catawbas' Letter, and desired that he would assist him in this weighty affair, and take the Matter wholly into his own Hands. To which your Brother Onas, out of a tender and brotherly affection for his Brethren the Six United Nations, gave his Consent; at the same time, considering that a Peace with the Catawbas would in a great measure be conducive to the preservation of his Brethren the Six United Nations. In Confirmation of what has been said I give you this Belt of Wampum, and you may depend upon the Truth of the Narrative. Brethren, the Governor of Pennsylvania now, jointly with the Governor of Virginia, advise You in the most friendly manner to hold a Congress with the Catawbas, they being also Children of the Great King over the Waters, & consequently Brethren of the English, and desire to live in Peace and Brotherly love with You. It will be both to the Honour and Interest of the Six Nations to make a firm and lasting Peace with the Catawbas. To enforce this, so just a Request, upon You, and to make the deepest Impression into your minds, Your Brethren Onas and Assaraquoa present you with this Belt of Wampum.' Here I lay'd down a large Belt. After the usual Cry of Jo-ha, which is always given distinctly by every Nation after the Receipt of a Belt, I took up a third Belt of Wampum and said, 'Brethren, By this Belt of Wampum the Governor of Pennsylvania, jointly with the Gov^r of Virginia, your Brethren, invite You to a Congress with the Catawbas, in the Town of Williamsburg, where You will be very kindly Entertained, and the Catawbas will be there also; they are desir'd to send five Deputies and no more, and the like number will be expected from You. Brethren, it is well known among Your Brethren Onas and Assaraquoa that you are Suspicious and mistrustful of the Sincerity of the Catawbas (and no doubt but you have some reason for it), but do you receive the Invitation from your Brethren Onas and Assaraquoa, who will see Justice done to You.

" 'If the Catawbas send no Deputies to Williamsburg, they will be looked upon as a faithless and discontented People, and given up to Your Warriors to be punished according to their deserts, and the



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and acquainted me that they were ready to give me an Answer, which, accordingly, they did in the following manner: 'Brethren Onas and Assaraquoa: We are very glad to hear from You, and take your Message very kindly. Your Request is of very great Importance, and which concerns our Allies as well as Us, and the Deputies now met at this Council Fire cannot take upon them to give a positive Answer to it; the Warriors must be Consulted about it, and all the Chiefs of the Six United Nations, together with the Captains of War, must Meet and Consult together before a firm and lasting Peace can be made with the Catawbas; and as a great many of our People with several of our Chiefs are now going to Canada, at the Invitation of the French Governor sent to us last fall, we must therefore referr the whole Affair till their return, and a Council, as before, will then be called, and your Belts of Wampum laid before them; we must, therefore, keep your Belts of Wampum in our hands till then, and soon as the Council is over we will imediately send to you and let you know what the result of the Council will be, and at what time the next Spring our Deputies can come down. In the mean time we will keep our Warriors at Home and not suffer them to go to War against the Catawbas till we have heard what Resolutions they will come to, and a Congress be held with them whom we expect to see at our Council Fire in Philadelphia. Williamsburg, where our Brother Assaraquoa lives, is too far off, and no Council Fire is yet kindled there, neither is there any Road clear'd to that Place, and for Us to go there the first time to meet the Catawbas would be dishonourable to Us. Brethren Onas and Assaraquoa: we desire that you will not take it amiss that we don't come down this Summer. If you consider the Importance of the Affair and our present Circumstances, you will find that we cannot come any sooner. We have no more to say on this Affair.' After a few Minutes Silence the Speaker Tocanuntie (or the Black Prince) begun again—'Brother Onas: We are sorry to hear what has happened to Your Traders at Ohio by that treacherous man Peter Chartier, through the influence of the French; we go now to Canada and shall take your belt of Wampum with us; we look upon what has happened to your Traders as an open Breach of the Peace on the side of the French against us, and the Blow that is given as if it were given to our head; depend upon it that the French shall make restitution of Men and Goods if it be their doings, otherwise the Shawonese shall; we are very glad that this News has reach'd our Council Fire before we set out for Canada; after our Return you will have a full answer to this Affair, and no doubt but a satisfactory one; we have no more to say.' After the Council was over, the Black Prince Invited all the Deputies and the Chiefs of Onontago, myself & Company to a Dinner; we all went directly to his House; he entertained us plentifully with Hommony, dried Venison, and Fish, and after dinner we were served with a dram round;

whilst we were at dinner they had several discourses among themselves about the Shawonese, against whom they seemed to be very much exasperated, and some said their behaviour was a Challenge to War, and that there would be War proclaimed against them. They wondered why Onas did not immediately proclaim War against the Shawnese and send for assistance; others answer'd Onas acted very prudently in letting the United Nations first know what had happen'd, and that it was according to the late Treaty held last Year; they seemed to expect nothing less than War with the Shawnese and a Peace with the Catawbas."

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Oct. 5th, 1745.

MEMORANDUM.

The Returns of the Sherifs and Coroners for the several Counties being taken into Consideration,

His Honour Commissionated the following Persons, Vizt: Nicholas Scull, Esqr Sherif, and Henry Pratt, Gentn Coroner of the City and County of Philadelphia; John Hart, Esqr Sherif, and Joseph Chapman, Gentn Coroner of the County of Bucks; John Owen, Esqr Sherif, and Thomas Morgan, Gentn Coroner of the County of Chester; James Sterrat, Esqr Sherif, and William Hamilton, Gentn Coroner of the County of Lancaster; Gideon Griffith, Esqr Sherif, and Benjamin Cook, Gentleman, Coroner of the County of Newcastle; Thomas Green, Esqr Sheriff, and Thomas Parke, Gentn Coroner of the County of Kent, and William Shankland, Esqr Sherif, & Robert Gill, Gentn Coroner of the County of Sussex.

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Oct. 14th, 1745.

Five Members of the Assembly waited on the Governor to acquaint him that a Quorum of the Representatives had met in pursuance of the Charter and Laws, & chose their Speaker, & desir'd to know when the Governor wou'd be pleased to receive the House to present him. His Honour appointed 12 O'Clock the next Day.

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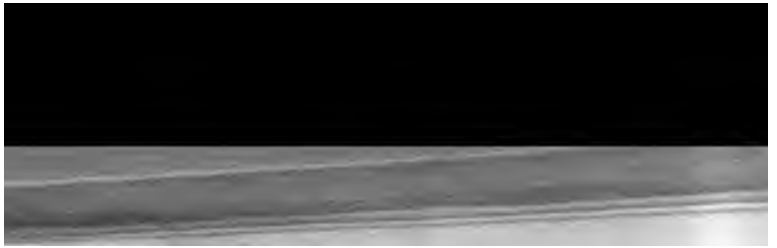
October 15th, 1745.

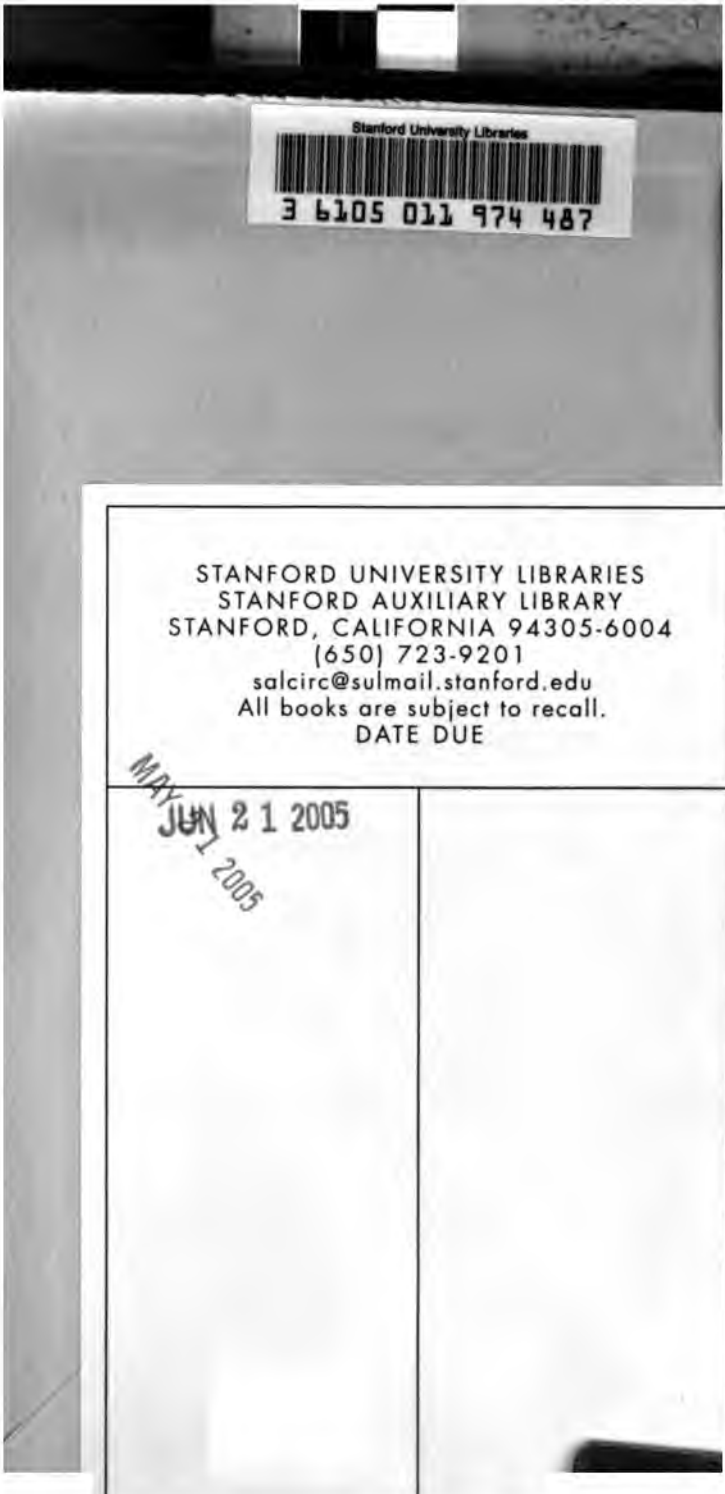
A Council was Summon'd, but no Members came. The whole House waited on the Governor at 12 o'Clock, & presented John Wright, Esqr as Speaker, & His Honour having approved their Choice, the Speaker made thereupon the usual Claim of Privileges,

& the Governor assur'd them the same shou'd be inviolably preserved.

On the same Day in the Afternoon, Two Members of Assembly waited on the Governor to acquaint him that the House was inclin'd to adjourn to the Sixth Day of January next, if he had no Objection. The Governor answered he had no objection.

END OF VOL. IV.

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